



Edinburgh Napier
UNIVERSITY

Research Misconduct Policy and Investigation Procedure

Version number	Status	Revisions	Lead Author
v1.0	Approved by Research Integrity Committee, April 2021	Revised to adopt sector definitions of research misconduct, added information on safeguarding and whistleblowing, and clarified investigation processes	Gráinne Barkess

This document supersedes any Research Misconduct Policy and Investigation Procedures written before 2021.

Research Misconduct Policy and Investigation Procedure

1. Context

The University is committed to the highest standards of research and all research should be carried out with integrity. Edinburgh Napier University has a [Code of Practice for Research Integrity](#) which sets out the general principles of conduct by which the university expects research to be carried out in its name.

This policy sets out how any allegation of research misconduct will be investigated, and should be read in conjunction with UKRI's guidance on '[Good Research Practice](#)' and the UK Research Integrity Office's '[Procedure for the Investigation of Misconduct in Research](#)'.

All members of the University are under a general obligation to preserve and protect the integrity and probity of research; in particular, if they have good reason to suspect any misconduct in research, they should report their suspicions in accordance with this policy and procedure to the Clerk of the University Research Integrity Committee (researchintegrity@napier.ac.uk)

2. Scope

This policy will be used to investigate allegations of research misconduct by:

- Current and former employees of the University; or others who conduct research on University premises or use University facilities, resources or funding for their research
- All visiting researchers, irrespective of whether they are employed by the university, including individuals with honorary positions conducting research within, or on behalf of, the University
- Registered postgraduate research (PGR) students, former PGR students, and PGR Alumni

Where the act of research involves undergraduate or taught master's students, the allegation of misconduct will be referred to the appropriate school Academic Integrity Officer (AIO) to determine how to proceed according to the University's [Student conduct regulations](#) and procedures.

3. Definitions of Research Misconduct

The [Concordat to Support Research Integrity](#) recognises that research misconduct can take many forms including, but not limited to:

Fabrication: making up results, other outputs (for example, artefacts) or aspects of research, including documentation and participant consent, and presenting and/or recording them as if they were real

Falsification: inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents

Plagiarism: using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission

Failure to meet: legal, ethical and professional obligations, for example:

- not observing legal, ethical and other requirements for human research participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment
- breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent
- misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality
- improper conduct in peer review of research proposals, results or 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 the purposes of peer review

Misrepresentation of:

- data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data
- involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution
- interests, including failure to declare competing interests of researchers or funders of a study
- qualifications, experience and/or credentials
- publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication

Improper dealing with allegations of misconduct: failing to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of misconduct includes the inappropriate censoring of parties through the use of legal instruments, such as non-disclosure agreements.

For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission. In addition, the standards by which allegations of misconduct in research should be judged should be those prevailing in the country in question and at the date that the behaviour under investigation took place.

Honest errors and differences in, for example, research methodology or interpretations do not constitute research misconduct.

Minor infractions, including honest errors, particularly by less experienced researchers or where there is no evident intention to deceive, may often be addressed informally through mentoring, education and guidance rather than formal disciplinary action, and are normally a matter solely for Edinburgh Napier University.

4. Responsibilities

As stated in the [Concordat to support research integrity](#) **employers of researchers** will have primary responsibility for investigating allegations of research misconduct. This includes:

- ensuring that any person involved in investigating allegations has the appropriate knowledge, skills, experience and authority to do so
- taking reasonable steps to ensure that the investigation is independent and avoids any potential conflicts of interest
- ensuring that the investigation is well documented and occurs over a reasonable time frame

Researchers will:

- act in good faith with regard to allegations of research misconduct, whether in making allegations or in being required to participate in an investigation, and take reasonable steps, working with employers as appropriate, to ensure the recommendations made by formal research misconduct investigation panels are implemented
- handle potential instances of research misconduct in an appropriate manner; this includes reporting misconduct to employers, funders and professional, statutory and regulatory bodies as circumstances require
- declare and act accordingly to manage conflicts of interest

5. Safeguarding in Research

The [UK Collaborative on Development Research \(UKCDR\)](#) define safeguarding in the research context as preventing and addressing “any sexual exploitation, abuse or harassment of research participants, communities and research staff, plus any broader forms of violence, exploitation and abuse... such as bullying, psychological abuse and physical violence.”

All members of the University community have an essential role to play in ensuring that people are protected, and the University is committed to working within the principles of dignity, safety, equality and diversity.

Researchers are required to follow the university’s guidance on [safeguarding in research](#), which applies to all research and innovation activities in which there are human participants and can include funded and unfunded research, contract research and commercial activities.

Failures in safeguarding during research activities may be investigated through the Research Misconduct policy as a failure to meet legal, ethical and professional obligations through a breach of duty of care for humans involved in research.

6. Whistleblowing

This policy and procedure will also be used to investigate any allegation of research misconduct which is initially raised through the University’s [Public Interest Disclosure \(Whistleblowing\) Policy](#).

The University will act with no detriment to whistle-blowers who have made allegations of misconduct in good faith or in the public interest.

The named point of contact for whistle-blowers or any other person wishing to use the Public Interest Disclosure route to raise concerns about the integrity of research being conducted at the University is through contact with the Whistle-blowing Officer – University Secretary (d.cloy@napier.ac.uk).

The named person may conclude after the pre-screening phase of allegations received via the Research misconduct route that the allegation does not fall within the scope of research misconduct, but that it should be considered under the Whistleblowing policy. If this is the case, the named person will liaise with the Whistle-blowing Officer to transfer the matter to be considered under the Whistle-blowing policy.

7. Principles for investigation

All investigations carried out under this policy should abide by the principles of fairness, confidentiality, integrity, prevention of detriment and balance.

Fairness: investigation of any allegations of misconduct in research must be carried out fairly and in accordance with statutory human rights of all parties involved.

Confidentiality: the procedure should be conducted as confidentially as reasonably practicable to protect the complainant, the respondent and others involved in the investigation. The identity of the complainant or the respondent should not be made known to any third party unless required under the university's reporting responsibilities.

Integrity: the investigation into an allegation of misconduct in research using the process of screening or formal investigation of the procedure must be fair and comprehensive. The investigation should be conducted expediently although without compromise to the fairness and thoroughness of the process.

Prevention of Detriment: In using this procedure, and in any action taken as a result of using the procedure, care must be taken to:

- protect individuals against frivolous or malicious allegations of misconduct;
- the position and reputation of those who make allegations of misconduct in research in good faith;
- the position and reputation of those suspected of, or alleged to have engaged in misconduct.

Balance: Those responsible for carrying out this procedure must be aware that there may be occasions when a balance has to be struck in the application of principles: for example, it may, in certain circumstances prove to be impracticable to undertake a detailed screening of the allegations without releasing the complainant's identity to the respondent.

8. Investigation procedure

Investigations into allegations of research misconduct are separated into several stages and include informal and formal stages. An initial informal assessment is used to determine if there is a prima facie case for an investigation; secondly, a formal investigation may follow to examine and evaluate all the relevant facts and determine whether research misconduct has occurred. Where appropriate,

the University will take legal advice on implementing these procedures to ensure they comply with all legal obligations.

This policy uses the following terms to refer to individuals involved in the investigation process:

Complainant: The person who makes an allegation regarding research misconduct or raises concern about integrity of research.

Respondent: The person of which the allegation has been made against.

The named person: A person in a position of seniority with a vested interest in Research integrity matters who can be recognised as an appropriate third party to act as a confidential liaison for any persons wishing to raise concern about research conduct. The **named person** is usually the convenor of the University Research Integrity Committee.

Upon receipt of an allegation of misconduct in research, the **named person** should formally acknowledge receipt of the allegation by email (or registered letter if appropriate) to the **complainant** (and his/her representative by agreement) in which the named person will outline the procedure that will be followed.

a. Pre-screening

A pre-screening process will take place to secure all relevant records, material and locations associated with the research in question to establish if the claim has substance and to consider if the following apply:

- Not a breach of the law or beyond the domain of research ethics
- Not encompassing breaches of the organisation's regulations such as might require the immediate implementation of the disciplinary process
- Constitutes research activity for which the organisation is the sponsor or for which the organisation has primary responsibility
- Involves a respondent where the organisation is or had been the primary employer or where it has primary responsibility, agreed with other employing organisations
- Involves a respondent who is a research student at the University
- Has substance, in that it is not considered **at this stage**, to be mistaken, frivolous, vexatious and/or malicious.

The pre-screening should ideally be completed by the **named person** within 10 working days.

If the allegations cannot be entirely discounted at this point, the named person should convene a Screening Panel.

b. Screening panel

The screening panel is intended to determine whether there is a prima facie evidence of misconduct in research, for cases that have passed through pre-screening by the named person.

The screening panel will be appointed by the named person and will usually include members of the University Research Integrity committee who have appropriate knowledge and skills to carry out an investigation. Where possible, panels will include one member from a different School than the respondent.

If deemed necessary by the named person, the panel may also include independent external members as needed to contribute either subject expertise on the research area or expertise in research misconduct. If required, appropriate independent external members would be identified via the UK Research Integrity Office or the Scottish Research Integrity Network.

Where the respondent believes there is a justifiable reason for objecting to a particular panel member being appointed, they can raise an objection in writing to the named person stating why they believe that person's involvement may prejudice the outcome. Objections to the composition of the panel should be raised within a reasonable time frame (ideally within 5 working days after receiving the information on the panel's composition). The named person will consider the reasons for the objection and may allocate an alternative panel member and would communicate any such change to the respondent.

The screening panel should:

- Maintain a record of evidence sought and received, and conclusions reached
- Conduct an assessment of the evidence including interviewing, where appropriate, the respondent and complainant and others who the panel consider relevant to the investigation
- Provide a draft report to Edinburgh Napier University's ~~the organisation's~~ named person, who will forward it to the respondent and the complainant (and their representatives by agreement) for comment on the factual accuracy of the report
- Only when the report includes errors of fact, as indicated by the respondent and/or the complainant, should the screening panel modify the report. The Chair should judge the validity of such comments and seek the agreement of the panel before making amendments to the panel's report
- Produce a final report which considers the allegations of misconduct in research and reaches one of the conclusions below
- Aim to complete its work **within 30 days**.

The Chair of the screening panel should pass the final report to the named person, who will also share the report with the respondent and complainant.

When the allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The named person should then take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the respondent and the relevant research project(s). The named person may also consider recommending that action be taken under the university's disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations of research misconduct. Those who have made allegations in good faith **should not** be penalised.

The screening panel's report should contain a recommendation based on their findings:

- That the allegation has **some substance**, but due to lack of intent to deceive or due to the relatively minor nature, the researcher should be referred for training and monitoring, or should receive informal professional mentoring on best ethical and research practices
- That the allegation is sufficiently serious and of **sufficient substance** to justify a formal investigation

- That the allegation is of **significant seriousness** that it should be directly referred:
 - If the allegation is against a member of staff, the case should be referred to HR to initiate a formal disciplinary investigation under the university's [Disciplinary Policy and Procedure](#)
 - If the allegation is against a PGR research student, the case should be referred to the Student Appeals, Complaints & Conduct Manager to establish a University Academic Conduct Committee (UACC) or a University Disciplinary Committee (UDC)
 - If referred, all documentation pertaining to the investigation would be passed to the relevant departments

c. Investigation panel

If the screening panel consider that the allegation is of sufficient substance to justify a formal investigation, the named person will act to establish an investigative panel.

The investigation panel will be appointed by the named person and will usually include 3 senior members of staff who have appropriate knowledge, expertise and skills. Where possible, panels will include at least one member from a different School than the respondent.

The investigative panel must also include an independent external member to contribute either subject expertise on the research area or expertise in research misconduct. Appropriate independent external members would be identified via the UK Research Integrity Office or the Scottish Research Integrity Network.

Both the respondent and the complainant may raise with the named person any concerns that they may have about those chosen to serve on the investigation panel, but do not have a right of veto over those selected. Where the respondent or complainant believes there is a justifiable reason for objecting to a particular panel member being appointed, they can raise an objection in writing to the named person stating why they believe that person's involvement may prejudice the outcome. Objections to the composition of the panel should be raised within a reasonable time frame (ideally within 5 working days after receiving the information on the panel's composition). The named person will consider the reasons for the objection and may allocate an alternative panel member and would communicate any such change to the respondent/complainant.

Employees attending meetings with the investigation panel can be accompanied by a work colleague, a trade union representative or an official employed by a trade union. It would not usually be appropriate for a work colleague who is involved in the case, or who is a witness, to accompany the employee at an investigation panel meeting. Legal representation is not permitted.

If an allegation of research misconduct is received in relation to research activities undertaken as part of a postgraduate research degree, the student has the right to be accompanied by a member of staff or ENSA representative. If an allegation of research misconduct is received in relation to research work carried out by a PGR student during a contract of employment, and they are members of EIS, then they have the right to be accompanied by a TU representative. Legal representation is not permitted.

The investigation panel must be appointed within 30 working days of the submission of the screening panel's report recommending a formal investigation. In carrying out the formal investigation, the investigation panel will not work to a prescribed timetable. The panel should conduct the investigation as quickly as possible, without compromising the principles of the investigation.

The named person will inform the following that a formal investigation of the allegations is to take place:

- respondent (and his/her representative by agreement)
- complainant (and his/her representative by agreement)
- University Principal
- Vice Principal for Research and Innovation
- Human Resources Director
- Named Person of any Partner Organisation with which either the respondent and/or complainant has an honorary contract, and through him/her the Heads of Organisation, Personnel and Research.

During the investigation, the investigation panel should interview the respondent and complainant. The role of the investigation panel is to review all the relevant evidence and conclude whether the allegation of research misconduct is:

- upheld in full;
- upheld in part;
- not upheld

The standard of proof used by the Investigation Panel is that of "on the balance of probabilities".

The Investigation panel should then produce a final report that:

- summarises the conduct of the investigation
- states whether the allegation of research misconduct has been upheld in whole or in part, giving the reasons for its decision and recording any differing views
- makes recommendations in relation to any matters relating to any other misconduct identified during the investigation
- addresses any procedural matters that the investigation has brought to light within the University and relevant partner organisations and/or funding bodies
- makes a recommendation whether the allegations should be referred:
 - If the allegation is against a member of staff, that the case should be referred to HR to initiate a formal disciplinary investigation under the university's [Disciplinary Policy and Procedure](#)
 - If the allegation is against a PGR research student, that the case should be referred to the Student Appeals, Complaints & Conduct Manager to establish a University Academic Conduct Committee (UACC) or a University Disciplinary Committee (UDC)
- whether any action will be required to correct the record of research (such as contacting journal editors to have publications amended/retracted as necessary, withdrawal or repayment of funds etc.)

After receiving the final report of the investigation panel, the named person will again contact relevant individuals to provide an update on the case.

If the investigation panel find the allegation of research misconduct was not upheld, the named person should take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the respondent and any relevant research projects.

10. Appeal process

Questions relating to the reports of both the screening and investigation panels can only be raised with the Chair of either panel over matters of fact. The respondent does not have the option of appealing against the reports of either stage of the investigation.

The respondent has the usual statutory right of appeal should the matter be referred to the University's [Disciplinary Policy and Procedure](#) or to the Student Conduct Regulations.

11. Allegations that cross institutional boundaries

Some allegations of research misconduct may cross institutional boundaries; for example, when researchers move to another institution, or when a researcher or project is based at multiple institutions. This can increase the complexity of any investigation and potentially require longer time frames for completing investigations.

In such cases Edinburgh Napier will work together with the other organisations to ensure that any investigation is carried out as efficiently as possible, while maintaining the integrity of the investigation.

As early as possible in such investigations an agreement should be reached regarding the approach to managing the review of cross-institutional research misconduct allegations, while respecting each institution's own research misconduct processes. Edinburgh Napier will draw on sector practices such as the [Russell Group Statement of Cooperation in respect of cross-institutional research misconduct allegations](#) to reach agreement on the approach to be used in the investigation.

12. Reporting responsibilities

The university may have to report research misconduct investigations and findings of research misconduct to a variety of other organisations, including but not limited to:

Funders: if the Funders Terms and Conditions of grant require us to report investigations (some funders require notification at the start and conclusion of any investigation, while some funders require a declaration before accepting funding that any researchers involved in the project have no upheld allegations of research misconduct/safeguarding failures against them)

Scottish Funding Council / UKRI / Universities UK: as part of our agreements with these organisations we have a responsibility to report cases of research misconduct

Professional bodies: if a finding of research misconduct would impact the researcher's fitness to practice

NHS Research ethics committees: in cases when we were the sponsor of the research

Other universities: if an employee leaves Edinburgh Napier with a formal disciplinary finding of research misconduct on their record this may be disclosed through reference requests

Research Integrity committees: to share lessons learned and to improve any policies as a result of any misconduct findings, especially if the case related to failures in safeguarding

13. Who can help?

If you are a member of the Educational Institute for Scotland (EIS) or UNISON, you can receive support and advice from a trade union representative. Respondents in cases may be accompanied to investigation panel meetings by a trade union representative and can share reports from screening and investigation panels with their TU for advice and support.

If you are a PGR student, you can receive support and advice from [Edinburgh Napier Student Association \(ENSA\)](#). PGR students who are members of the Educational Institute for Scotland (EIS) can receive support and advice from a trade union representative.

14. Related Policies

- [Code of Practice for Research Integrity](#)
- Research Safeguarding Policy
- [Public Interest Disclosure \(Whistleblowing\) Policy](#)
- Disciplinary Policy and Procedure
- UKRI Good Research Practice
- [UKRIO Procedure for the investigation of Misconduct in Research](#)
- [Concordat to Support Research Integrity](#)

15. Document control

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Review Frequency:	Every 2 years or as appropriate

APPENDIX ONE – DEFINITIONS

Complainant

The person who makes an allegation regarding research misconduct or raises concern about integrity of research

Respondent

The person of which the allegation has been made against

Named person

A person in a position of seniority with a vested interest in Research integrity matters who can be recognised as an appropriate third party to act as a confidential liaison for any persons wishing to raise concern about research conduct. The named person is usually the convenor of the University Research Integrity Committee.

Pre-screening

An initial step in the investigation process to gather all relevant documents and information related to the case and establish if the allegation has substance

Screening panel

A preliminary investigation to establish if unacceptable conduct may have occurred and determine if there is a case to answer

Investigation panel

The investigation panel is established to examine the allegations of misconduct in research, hear and review the evidence and determine whether the alleged misconduct occurred, take a view on who was responsible, and may make recommendations as to any response that the University might make

URIC

University Research Integrity Committee

Safeguarding

The [UK Collaborative on Development Research \(UKCDR\)](#) define safeguarding in the research context as preventing and addressing “any sexual exploitation, abuse or harassment of research participants, communities and research staff, plus any broader forms of violence, exploitation and abuse... such as bullying, psychological abuse and physical violence.”