

## Guidance on Misconduct in Research

### 1. Definition of Misconduct

#### 1.1

Fabrication: including the creation of false data or other aspects of research, including documentation and participant consent.

Falsification: including the inappropriate manipulation and/or selection of data, imagery and/or consents.

Plagiarism: including the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.

Misrepresentation, including:

- 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.

Mismanagement or inadequate preservation of data and/or primary materials, including failure to:

- 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 the completion of the research: data should normally be preserved and accessible for ten years, but for projects of clinical or major social, environmental or heritage importance, for twenty years or longer, or thirty years if required by a Clinical Trial Authorisation.
- Manage data according to the research funder's data policy and all relevant legislation.
- Wherever possible, deposit data permanently within a national collection.

Responsibility for proper management and preservation of data and primary materials is shared between the researcher and the research organisation.

Breach of duty of care, which involves deliberately, recklessly or by gross negligence:

- 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 at risk of physical or psychological harm, whether as 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.

**1.2** Misconduct in research can include acts of omission as well as acts of commission. Research misconduct does not include genuine errors which are not due to negligence, or honest differences in interpretation or judgement in evaluating research methods or results.

Research misconduct does not include misconduct unrelated to research processes, which will be managed by the University under the Disciplinary Procedure. Similarly, fraud or other misuse of research funds or research equipment may additionally be managed in accordance with any specific provisions within the Fraud Policy.

## **2. Reporting concerns**

**2.1** All researchers to whom the University of Exeter Code of Good Practice in the Conduct of Research applies, and any other member of University staff or student, should report any incident of misconduct, by staff, students or other researchers, whether witnessed or suspected.

Members of the public are also able to report any incident of misconduct, whether witnessed or suspected. The University will ensure that, at all times, a single point of contact is provided on the University's website and logged with the UK Research Integrity Office. Allegations made to the single point of contact will be reported to the relevant College or Deputy Vice-Chancellor for Research and Impact as appropriate and logged with the relevant HR Business Partner.

Researchers are encouraged to raise concerns about suspected research misconduct in confidence with their Head of Discipline or Associate Dean for Research or College Pro Vice-chancellor who will advise on the appropriate action to take. Concerns which involve the Associate Dean for Research or College Pro Vice-chancellor should be raised with the Deputy Vice-Chancellor for Research and Impact.

**2.2** Allegations should normally be made in writing, accompanied by any available supporting evidence.

**2.3** The identity of the person who has drawn the University's attention to potential research misconduct will not be disclosed to the subject of the allegation except where this is necessary to facilitate the University's investigation or necessary for the purposes of natural justice or otherwise as required by law.

**2.4** In accordance with the University's policy and procedure on Public Interest Disclosure, individuals who raise concerns in good faith will not be penalised or disadvantaged for doing so.

**2.5** If an investigation or subsequent disciplinary hearing considers that the allegation may have been frivolous, vexatious, malicious in nature or otherwise made in bad faith, these concerns should be referred to the Director of Human Resources to consider whether disciplinary action should be taken against the individual making the allegation.

### **3. Investigation of suspected research misconduct**

**3.1** The University has a responsibility to investigate allegations of research misconduct fully and expeditiously. It also has a responsibility to protect researchers from frivolous, vexatious or malicious allegations.

**3.2** The University will endeavour to undertake and complete any investigation promptly and without undue delay and expects the researcher against whom the allegation is made to co-operate to achieve that aim, including co-operating in any investigation meetings they are asked to attend.

**3.3** The University is committed to cooperating in or undertaking joint investigations with other institutions where a case of alleged misconduct spans multiple institutions.

**3.4** Where an allegation is made, the College Pro Vice-chancellor will ask an appropriate senior member of staff in the College (e.g. Associate Dean for Research or Head of Department) to undertake a preliminary assessment to enable a decision to be made on whether the concern or allegation contains such sufficient evidence to be taken forward to a formal investigation. The College Pro Vice-chancellor will also report the allegation to the appropriate HR Business Partner for inclusion in the central record. The HRBP will inform the Research Ethics & Governance Manager that an

allegation has been received. The Research Ethics & Governance Manager can provide advice and support for Colleges and HR as required and will ensure that the requirements for reporting are met (see section 8). A report of the preliminary findings should be made to the College Pro Vice-chancellor. If the relevant College Pro Vice-chancellor is involved in the allegation or there is a potential conflict of interest, the Pro Vice-chancellor of another College will receive the report of preliminary findings.

**3.5** The College Pro Vice-chancellor will discuss reported concerns and allegations of research misconduct with the Deputy Vice-Chancellor for Research and Impact and the Director of Human Resources (or their appointed delegates) to consider whether a formal investigation under the University's Discipline Procedure is necessary.

For members of staff, the staff disciplinary procedure will apply:

[http://www.exeter.ac.uk/media/universityofexeter/humanresources/documents/grievancedisciplinaryandotherdismissalprocedures/disciplinary\\_procedure.pdf](http://www.exeter.ac.uk/media/universityofexeter/humanresources/documents/grievancedisciplinaryandotherdismissalprocedures/disciplinary_procedure.pdf)

Where the allegation of research misconduct is about someone funded by, or engaged with, RCUK (including acting as a supervisor for an RCUK postgraduate student or engaged with peer review activities), even if it is not about work connected with a grant from a UK Research Council, the panel undertaking the formal investigation must include external representation. RCUK may wish to seek observer status on formal investigations.

**3.6** For students, the relevant Faculty procedures will be followed. In the case of a researcher who is both a member of staff and a student, the University will make a decision on which is the appropriate procedure to follow, taking account of the circumstances of the case and, in particular, whether research is a paramount part of the individual's employment.

**3.7** For other researchers, such as those with honorary appointments, the College Pro Vice-chancellor will make a decision on what action should follow an investigation and this may lead to the researcher's arrangement with the University being terminated.

#### **4. Notification to other parties during an investigation**

**4.1** Where this is required by the terms of the funding or other contractual arrangement, the Director of Research Services will notify the funding/sponsor body that the researcher is under investigation. The University will advise the researcher of this action.

It is a requirement of RCUK that, where an allegation of research misconduct is about someone funded by, or engaged with, RCUK (including acting 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 should be reported by the Director of Research Services to the relevant Council at the stage that it is decided to undertake a preliminary assessment (see paragraph

3.4). The Director of Research Services will also notify the relevant Council when the outcome of the preliminary assessment is known (e.g. whether the allegation is dismissed or taken through to a formal investigation – see paragraph 3.5) and when the outcome of the formal investigation is known (e.g. whether the case is dismissed or a disciplinary hearing is arranged).

**4.2** In cases of suspension under the disciplinary procedure, it may also be necessary, under the terms of the funding or other contractual arrangement, for the University to notify the funding/sponsor body that the researcher has been suspended. The University will advise the researcher of this action.

**4.3** If the researcher leaves the University before the completion of any investigation/disciplinary process, the case should be referred to the Deputy Vice-Chancellor for Research and Impact and the Director of Human Resources to consider whether it is appropriate to advise the individual that, subject to data protection, duty of confidentiality and duty of care standards, the details of the outstanding case may be passed to any future (or prospective) employer or bona fide enquirer about their career at the University, and may also be passed to any appropriate regulatory or professional supervisory body.

In appropriate circumstances, the individual may be offered the opportunity to see the investigation or disciplinary process through to its conclusion.

## **5. Dismissal of allegations**

**5.1** If the allegations are dismissed at any stage, a clear statement should be made to the researcher, to the person who has drawn the University's attention to the potential research misconduct, and to any individuals/bodies who have been informed of the allegations or are otherwise aware, and who have a legitimate interest in the outcome such as the funding body.

**5.2** Where an allegation is dismissed without a formal investigation (following a preliminary assessment – see paragraph 3.4), the person who has drawn the University's attention to the potential research misconduct should be given the opportunity for response if they believe that they have been misunderstood or key evidence overlooked.

## **6. Notification to other parties following a disciplinary hearing**

**6.1** If a disciplinary hearing finds that research misconduct has occurred, in addition to the sanction issued, the matter will be referred to the Deputy Vice-Chancellor for Research and Impact to consider whether it is appropriate to notify the funding/sponsor body and, if the researcher is subject to the regulation of a professional body (e.g. the General Medical Council), that professional body of the finding. The University will advise the researcher of this action.

It is a requirement of RCUK that, where a disciplinary hearing considers an allegation of research misconduct is about someone funded by, or engaged with, RCUK (including acting 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 outcome of the disciplinary hearing should be reported by the Director of Research Services to the relevant Council.

**6.2** Where the person responsible has published research, especially research to which the misconduct relates, the Deputy Vice-Chancellor for Research and Impact shall consider whether it is appropriate to inform journal editors or others of the finding.

**6.3** Such notification will be sent at the conclusion of the disciplinary procedure, unless otherwise required by the rules of professional bodies or funders

## **7. Annual Reporting**

7.1 In compliance with the Concordat to Support Research Integrity, the University is required to publish an annual statement which includes anonymised information on cases of research misconduct. The Director of HR (or delegate) will be responsible for maintaining a central record of research misconduct allegations and investigations. The Research Ethics and Governance Manager will be responsible for interim reporting on cases of research misconduct to the Deputy Vice-chancellor Research and Impact and Ethics Dual Assurance portfolio (on a termly basis), to the University Ethics Committee on at least an annual basis and for publishing the annual statement following its approval by the University's Council in the summer term of each academic year.

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