

Guidance Note for Complainants and Respondents

UCL Research Misconduct Procedure

Guidance Note for Complainants

This note sets out what happens when you make an allegation of research misconduct. The numbers in brackets shown in this document refer to the paragraph or part in the UCL Research Misconduct Procedure [here](#) which provides more detail where relevant.

Sources of wellbeing support

First and foremost, UCL appreciates that being involved in a research misconduct process can be a very distressing experience. UCL has resources that are available to support any member of staff going through this process. These can be found at:

<https://www.ucl.ac.uk/human-resources/health-wellbeing/being-well-ucl>.

Making a complaint

1. How do I make a complaint of research misconduct?

You will need to submit your allegation in writing and/or via e-mail to the UCL Registrar (also referred to as the Named Person) and/or the Governance Manager: Research Integrity. This should be accompanied by any supporting evidence that is available to you. If someone is acting on your behalf, you may ask them to submit the complaint for you.

2. I've made a complaint, what happens next?

Once your complaint has been received by the Registrar and/or the Governance Manager: Research Integrity, the Registrar will conduct an Initial Assessment of your allegation.

Initial Assessment Stage

3. What happens at the Initial Assessment stage? The Registrar will review your complaint and determine whether the allegation falls within the definition of misconduct of research under the Procedure (paragraph C9).

4. What happens if the Registrar determines that my complaint falls outside the definition of misconduct in research? This means that your complaint cannot be dealt with through UCL Research Misconduct Procedure and the Registrar will communicate this to you in writing (paragraph C10). The Registrar will advise of any alternative process for dealing with your complaint, if any.

5. What happens if the Registrar determines that my complaint falls within the definition of misconduct in research? The Registrar will email the person against whom you have made the complaint (the Respondent) to inform them of the allegation and ask to meet with them.

6. What happens when the Registrar informs the Respondent of my allegation?

The Registrar will hold a confidential meeting with the Respondent to outline the Procedure to be followed and the opportunities that they will have to respond to the allegations.

7. Will I meet with the Registrar at the Initial Assessment stage? No, the Registrar does not meet with you (the Complainant) at the Initial Assessment stage. The Registrar's work at the Initial Assessment stage is based on the written complaint you submitted.

8. What can the Registrar decide at the Initial Assessment stage? The Registrar will either decide that the allegation does not need to be considered further, or that it should be referred for further examination (paragraphs C9 and C10). You will be informed in writing of the Registrar's decision and the reasons for it.

9. What happens if the Registrar refers my case for further examination? Where the Registrar determines that the matter should be taken further, you will be informed in writing that the allegation has been referred to [UCL's Research Misconduct Committee](#) for screening. A panel made up of three members of the Committee (all academic staff) will be formed into a Screening Panel to consider the allegation further. The allegation you made along with any documentation you and/or the Respondent provided to the Registrar will be shared with this Screening Panel.

Screening Stage

10. What happens at the Screening Stage? The Screening Stage does not determine whether misconduct has occurred or who might be responsible. The Screening Panel's role is to determine whether there is *prima facie* evidence of misconduct in research and whether the allegation should be considered further (Annex 6).

11. What is prima facie evidence of research misconduct? *Prima facie* means "at first appearance", and in the context of research misconduct, it means that upon initial examination of an allegation, sufficient evidence appears to exist to justify further consideration of the allegation. The burden of proof is on you, the person making the allegation, to show that there is *prima facie* evidence to support a case of research misconduct.

12. Will a Screening Panel ask to meet with me?

The Screening Panel may invite you to meet with them to provide additional relevant information to assist its work. You are not under any obligation to accept the invitation, but this will be your only opportunity to meet with the Screening Panel.

13. What happens if I'm asked to meet with the Screening Panel?

You will be invited to talk about the allegation and the Panel will also ask you some questions. They may also outline these question areas for you in writing in advance. The Screening Panel will not make its decision at the time of your meeting.

14. Companion for a meeting

You may be accompanied to any meeting with the Screening Panel by a companion. If you are a member of UCL staff or honorary staff, this companion must be a workplace colleague or trade union representative. If you are a UCL student, this companion must be a student friend, a UCL Union sabbatical officer or a member of staff who is in receipt of a valid contract of paid employment with UCL (Annex 1, paragraph 9). A companion cannot be a legal adviser.

15. What possible decisions could the Screening Panel reach? The Screening Panel can decide one of three outcomes: (1) the allegations of misconduct in research are mistaken, frivolous, vexatious and/or malicious; (2) the allegations have some substance but due to a lack of intent to deceive or due to their relatively minor nature, they should be addressed through education and training or other non-disciplinary approach; or (3) the allegations are sufficiently serious and have sufficient substance to justify a Formal Investigation.

16. Report of the Screening Panel

The Screening Panel will prepare a report setting out its findings and its recommendations. This report will be shared with you and you will be given an opportunity to comment on points of factual accuracy. Once the Panel has considered any comments you have made, you will then be issued with the final version of the report. If you do not participate in the screening process, you will not normally be sent the draft and/or the final version of the Panel's report (paragraph C43). All reports are confidential and not for wider dissemination. The Screening Panel will then have completed its work and is disbanded.

17. What happens if the Screening Panel finds there is no prima facie evidence of research misconduct? The Registrar and/or the Governance Manager: Research Integrity will inform relevant UCL officers as well as any external parties, where necessary, about the Panel's decision. Any recommendations will also be followed up as necessary.

18. What happens if the Screening Panel finds there is prima facie evidence of research misconduct? This means that the allegation is referred for a Formal Investigation. When this happens, a new panel consisting of three different senior academic members of staff (internal and/or external to UCL) will be convened to consider the allegation and make a final decision on the allegation (Annex 7).

Formal Investigation Stage

19. What possible decisions could the Formal Investigation Panel reach? A formal Investigation Panel can determine that the allegation is: upheld in full; upheld in part; or not upheld. The Panel's decision about any allegations is made on the balance of probabilities based on the information it has before it (Annex 1, paragraph 40).

20. Formal Investigation Hearing

The Formal Investigation Panel will hold a formal hearing on the allegation to gather additional relevant information. You will be given the opportunity to provide evidence at this hearing if the members of the Investigation Panel consider that it may have relevance to the investigation (paragraph C69). The Respondent is also allowed to call witnesses, and that may include you. An audio recording of proceedings of the hearing will normally be made except when the Panel withdraws for private discussions (paragraph C73). The Panel will not reach a decision at this hearing itself. It will make a final decision after any hearings have concluded.

21. Formal Investigation Panel Draft Report

Once the Formal Investigation Panel has reached a conclusion it will then produce a draft report setting out its findings and recommendations. This draft report will be shared with you and the Respondent for comment on points of factual accuracy (paragraphs C76-C77). You will each have this one opportunity to comment on the factual accuracy of the draft report. It is for the Formal Investigation Panel to decide whether to accept any comments you may make about the factual accuracy of the report. This draft report is confidential and is not for wider dissemination.

22. Formal Investigation Panel Final Report

You will then be issued with the final version of the Formal Investigation Panel's report. This final report is also confidential and is not for wider dissemination. Once this final report is submitted to the Registrar, the Formal Investigation Panel will have completed its work and is disbanded.

After the process is over

23. Publication of outcomes

Once the Procedure has concluded, if an allegation of research misconduct has been upheld in full or in part at the Formal Investigation stage UCL will normally publish an anonymous case summary on the UCL Governance and Compliance webpages (Annex 8, paragraph 6).

24. Support provided to you after an outcome is reached

Where the allegations have been upheld (in full or in part) or found to be mistaken but not frivolous, vexatious and/or malicious, then appropriate support, guidance and acknowledgement will be given to you, given that your role in the process will most likely have been stressful and may have caused friction with colleagues. The Registrar will take such whatever steps he/she considers necessary to support your reputation (Annex 8, paragraph 2).

25. Handling frivolous, vexatious and/or malicious allegations

If a Screening Panel and/or Investigation Panel has found that your allegations are frivolous, vexatious and/or malicious, the Registrar may consider recommending action be taken against you, under UCL's relevant disciplinary process (Annex 8, paragraph 4).

Your actions after you make an allegation

26. What if I withdraw my allegation?

Allegations will continue to be investigated under the Procedure irrespective of you withdrawing your allegation at any stage.

27. What if I leave UCL?

Any allegation will continue to be investigated under the Procedure irrespective of you resigning, or having resigned, your post at UCL.

28. What if I do not participate in the process?

Where you do not participate in the screening stage and/or the formal investigation stage of the process, the Registrar will not communicate with you in the interest of ensuring confidentiality of the Respondent (paragraphs C34 and C61).

Any questions

If you have any questions, please contact Rachel Port, Governance Manager: Research Integrity (r.port@ucl.ac.uk) with any queries in the first instance.

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