



## **Procedure for investigating and resolving allegations of misconduct in academic research (effective 1 August 2021)**

### **Foreword**

UCL is committed to maintaining the integrity and probity of academic research. To this end, UCL regards it as fundamental that the conduct of research and the dissemination of the results of research must be truthful and fair, and has therefore adopted the following Procedure for the investigation and resolution of any allegations of misconduct in research. This Procedure follows closely the model procedure prepared by the UK Research Integrity Office (UKRIO), although some necessary minor adaptations have been made to reflect UCL's local circumstances and terminology. However, these adaptations are not so significant as to mean that UCL is not adhering to the key features of the UKRIO model procedure.

The Procedure provides a protocol for the investigation of allegations of misconduct in research that is thorough and fair to all parties. It is applicable to all fields of research and it can be used to investigate alleged misconduct in any area of research at UCL. All staff (including honorary staff) and students of UCL 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 as prescribed below. Nonetheless, those making allegations under this Procedure should bear in mind that an allegation of academic impropriety is serious and potentially defamatory and can have wide-ranging and damaging consequences. When an allegation of misconduct in research is made, timely, thorough and objective actions, as described in this Procedure, should enable UCL to carry out a full and fair investigation.

UCL's Registrar is responsible for ensuring the integrity of proceedings conducted under this Procedure as the designated 'Named Person'.

This version of the Procedure, incorporating amendments approved by UCL's Research Governance Committee, is effective for allegations received from 1 August 2021 onwards.

## Executive Summary

This document sets out the procedure that UCL will follow for the consideration of allegations of misconduct in research. Such allegations might be brought to UCL as the employer of the individual against whom the allegations are made, or in another capacity, such as the host or sponsor of the research. Where a situation is judged by UCL's Third Party Notification Group to be of a particularly serious nature, the appropriate authority or regulatory body will be notified by UCL at the earliest practicable opportunity.

It is not intended that the Procedure will be used as part of any disciplinary or regulatory process. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process. This document provides a blueprint for how the stages of the Procedure will be conducted and how appropriate screening and investigation panels will be organised. The objectives of the Procedure are to:

- ensure that decisions at each point and an investigation, where it is conducted, are thorough and fair;
- demonstrate that, by using an agreed standard process, there should be fewer errors in the conduct of the Procedure and investigations; and
- reassure those who are subject to the Procedure that the process of investigation will follow a standard Procedure adopted nationally by universities and other research organisations.

By adopting and following the Procedure it will be possible to:

- establish the ethos and mechanisms by which misconduct in research may be addressed appropriately, investigated effectively and handled fairly;
- enable a screening panel to establish whether the allegations have substance and might constitute misconduct in research;
- enable an expert panel to establish whether, on the balance of probabilities, the evidence upholds the allegations of misconduct in research (whether intentional or reckless in nature); and
- produce a report on the basis of which UCL may initiate appropriate action.

The Procedure is informed by the Principles set out in Annex 1. Investigations of misconduct in research will maintain the highest standards of integrity, accuracy and fairness. All proceedings will be conducted under the presumption of innocence and will be carried out with sensitivity and confidentiality.

The stages outlined in the Procedure have been developed for the investigation of the acts or omissions defined in Annex 2 as constituting misconduct in research. The steps of the Procedure will be followed as closely as is practicable.

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## Part A: Background for the use of the Procedure

- A1. This Procedure has been approved by UCL's Research Governance Committee (RGC) and is closely based on the model procedure developed by UKRIO.
- A2. The Procedure is intended to be used in accordance with the Principles at Annex 1. Those responsible for implementing the Procedure will be guided by the Principles at all times to ensure that the Procedure is carried out in a comprehensive, fair, and timely manner, and with integrity, sensitivity and confidentiality.
- A3. The Procedure is a mechanism to consider and investigate allegations of misconduct in research. As such it is designed to provide a means to facilitate full exploration of potentially complex matters in research that can arise in situations where misconduct may have taken place.
- A4. In considering allegations of misconduct in academic research, it is envisaged that the Procedure may be invoked where necessary prior to any use of UCL's standard disciplinary processes. The Procedure is designed to allow the full and fair investigation of research-related issues by an expert panel, and to reach a conclusion on any allegations prior to considering any disciplinary or other non-disciplinary steps that might be required or recommended. Disciplinary processes may however be invoked at an earlier stage where there is a concern about potential misconduct other than research misconduct.
- A5. The individuals responsible for implementing this Procedure should be familiar with the statutory obligations of UCL and the rights of employees according to employment law and other relevant legislation, such as the Public Interest Disclosure Act 1998. Further, they should have knowledge of any additional rights and obligations that might be particular to UCL and/or its employees. Those individuals and Panel members will therefore be provided with appropriate briefing material.
- A6. In research, it is not uncommon that misunderstandings or disputes between individuals might present as potential misconduct. It may be possible to mediate or resolve such differences at the individual or local level and this route will be considered and explored where appropriate, before the formal steps described in Part C of this Procedure are initiated.
- A7. In situations where the allegations are of a particularly serious nature, formal steps will be implemented immediately (see Para C8 (c), (d) and (e)).
- A8. Those entitled to bring complaints about alleged misconduct in research include (but are not restricted to) members of staff or honorary staff of UCL (present or past), students of UCL (present or past), individuals external to UCL, as well as external bodies such as, but not limited to, regulators, professional bodies, funders and journals.
- A9. This Procedure will normally apply to all UCL staff, including individuals working under an honorary contract at UCL.
- A10. The Procedure will also normally apply to research students of UCL where the allegation of research misconduct relates to work intended for publication or already published. An allegation of research misconduct in relation to assessed work or any draft unpublished work should be referred for consideration under UCL's Student Academic Regulations and the Student Academic Misconduct Procedure (<https://www.ucl.ac.uk/academic-manual/chapters/chapter-6-student-casework-framework/section-9-student-academic-misconduct-procedure>) for consideration.

- A11. The Procedure will not normally apply to taught students of UCL except in the case of research submitted for or intended for publication. The Procedure will also not normally apply in the cases of students who have failed to obtain ethical approval, so long as there is no intent to deceive; these cases will be dealt with in the assessment of the work and reflected in the mark awarded. An allegation of research misconduct concerning such students should normally be referred for consideration under UCL's Student Academic Regulations and the Student Academic Misconduct Procedure (<https://www.ucl.ac.uk/academic-manual/chapters/chapter-6-student-casework-framework/section-9-student-academic-misconduct-procedure>) for consideration.
- A12. Allegations can be investigated under this Procedure irrespective of such developments as:
- the Complainant withdrawing the allegation at any stage;
  - the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; or
  - the Respondent or the Complainant resigning, or having already resigned, their post.
- A13. UCL considers an allegation of research misconduct to be within its remit and suitable for consideration according to this Procedure if it:
- (a) concerns a current employee of UCL, a current member of honorary staff of UCL, or a current research student of UCL; and/or
  - (b) relates to research conducted on UCL premises and/or undertaken using UCL research facilities; and/or
  - (c) involves a current employee of UCL, a current member of honorary staff of UCL, or a current student of UCL and is alleged to have occurred before the individual concerned commenced paid employment and/or an honorary appointment and/or a period of study as a student at UCL.
- A14. UCL also reserves the right to invoke the Procedure for an allegation of research misconduct made against a former employee of UCL, a former member of honorary staff of UCL, or a former student of UCL if the allegation relates to research which was undertaken while they were employed by, held an honorary staff appointment with, or were studying at, UCL.
- A15. UCL will follow an investigation through to completion even in the event that the individual(s) concerned has left or leaves UCL, either before the allegation was made or before an investigation is concluded. UCL reserves the right to apply the Procedure to other individuals where their potential involvement in the alleged misconduct comes to light during the consideration of an allegation.
- A16. UCL expects all external partners to conform to its code of conduct for research (<https://www.ucl.ac.uk/governance-compliance/sites/governance-compliance/files/code-of-conduct-research.pdf>) when undertaking research in collaboration with UCL staff (including honorary staff) and students. If the Registrar is made aware, either through an allegation made under this Procedure or an investigation undertaken in line with this Procedure, that an external partner is suspected of research misconduct, he/she reserves the right to report such matters to the individual's employer or another relevant organisation (for example, an applicable funding body) with a view to such employer/organisation investigating the matter according to their own procedures (without prejudice to any other action UCL may decide to take).
- A17. Any meeting and/or interview, as well as any hearing, held at any stage under the Procedure may be held in person and/or by any video conference, telephone or suitable electronic means by which all those participating in the meeting are able to communicate with all the other participants.

- A18. Where reference is made to defined roles (such as Respondent) or defined bodies (the organisation) in the Procedure, reference to the singular should be viewed to include the plural as appropriate.

## **Part B: Responsibilities for the implementation of the Procedure**

- B1. UCL will designate a senior member of staff as the Named Person for the purposes of this Procedure. The Named Person will:
- a. be an individual within UCL with knowledge and experience of UCL's research governance framework;
  - b. have responsibility for:
    - i. receiving any allegations of misconduct in research;
    - ii. initiating and supervising the Procedure for investigating allegations of misconduct in academic research;
    - iii. maintaining the information record during the investigation and subsequently reporting on the investigation with internal contacts and external organisations;
    - iv. taking decisions at key stages of the Procedure.
- B2. The Registrar is the Named Person under this Procedure. The Registrar is, therefore, the UCL officer with responsibility for ensuring the integrity of any proceedings conducted under this Procedure. Any reference to the Registrar in this document also includes anyone deputed by the Registrar to take action on his/her behalf at any stage under the Procedure.
- B3. The Research, Innovation and Global Engagement Committee (RIGEC), that replaces the former RGC, is the body within UCL with responsibility for overseeing the operation and review of the Procedure.
- B4. The Procedure defined here is designed to provide a report that might require subsequent action using UCL's disciplinary processes or through other non-disciplinary processes.
- B5. The Procedure is designed to operate in conformity with the Principles outlined in Annex 1. Those using the Procedure should refer to the Principles with respect to all decisions or interpretations. Where they are unable to resolve matters by reference to the Principles, users of the Procedure will seek appropriate guidance as necessary.
- B6. Users of the Procedure may seek further guidance from the Named Person, the Governance Manager: Research Integrity, the Chair of the Screening Committee, or the Vice-Provost (Research, Innovation and Global Engagement) who has responsibility for UCL's research.

## Part C: The Procedure

### Introduction

- C1. The Procedure allows allegations of misconduct in research to be considered and investigated once submitted to the Registrar in writing. Straightforward allegations that are not considered to be serious in nature, where the Registrar determines that there is not an intent to deceive, might be resolved by the Registrar at the initial assessment stage.
- C2. The allegations will be submitted to the Registrar in writing and will be accompanied by any supporting evidence that is available to the person making the allegations, who is the 'Complainant' under this Procedure. Upon receipt of the allegations, the Registrar will share a copy of this Procedure with the Complainant who shall also be asked to specify what type(s) of misconduct he/she claims has occurred, with reference to the definitions set out in Annex 2, and the person(s) against whom each allegation is made, who is the 'Respondent(s)' under this Procedure. Where the Complainant does not specify this information, the Registrar shall do so.
- C3. Where a complaint is made under a name which is anonymous, or believed to be a pseudonym, the Registrar will take forward a complaint that is received in writing. Where the Complainant is unresponsive or declines to participate in his/her role under the Procedure, the Registrar will take into account the need for confidentiality and protection of the interests of the Respondent when communicating further with the Complainant about the allegation.
- C4. Allegations which are in any way linked to the Registrar or which raise the potential for a conflict of interest for the Registrar – including links with any persons involved (Complainant or Respondent) or where the Registrar is in some way personally concerned with the subject matter of the allegations – will immediately be referred to the Vice-Provost (Research, Innovation and Global Engagement), or her/his nominee, who will then implement the Procedure. The Registrar will declare any such conflicts. The Complainant and Respondent may raise with the Vice-Provost (Research, Innovation and Global Engagement) or her/his nominee any concerns that they might have that the Registrar may have interests which conflict with the fair handling of the allegations. The Vice-Provost (Research, Innovation and Global Engagement) or her/his nominee will act on information passed on, or known about, with respect to any conflict of interest and will invite the Registrar to refer the investigation to them.
- C5. Save in exceptional circumstances, the Registrar shall seek to convene a case meeting at the earliest opportunity for any allegations referred to him/her which involve UCL staff who also hold an NHS contract of employment, including honorary contracts ('shared employees' hereafter). Due regard will be had to UCL's confidentiality and data protection obligations. The Registrar will inform the CEO of the respective NHS Trust concerned to determine the most appropriate Trust colleague to be involved in the case meeting, as set out at Annex 5. The case meeting will involve the Registrar, a representative of the Joint Research Office (JRO) of UCL, the CEO of the NHS Trust (or his/her designate) and other relevant UCL/NHS Trust officers. The purposes of the meeting are likely to include the following:
- to inform the respective Trust of UCL's Procedure for handling such allegations;
  - to agree the scope and sequencing of any investigations to be undertaken by each organisation;
  - to agree the involvement of the Trust in the operation of UCL's Procedure eg the nomination of members of the screening panel and/or investigation panel;
  - to agree a process for reconvening and sharing any information;

- to agree a process for any potential respective disciplinary actions, where the employee is a shared employee;
- to agree a process for dealing with press and informing research subjects, if this is deemed necessary.

- C6. UCL also reserves the right to investigate any allegations, or suspicions, of misconduct in research that have been made available in the public domain or otherwise made known to UCL, but where there is no specific Complainant or complaint in writing to the Registrar. Such cases will be considered only at the discretion of the Registrar.
- C7. Allegations of misconduct in research shall normally be dealt with under this Procedure. However, there may be instances where UCL employees and/or other persons connected with UCL and/or UCL students wish to disclose concerns about misconduct in research but also wish to remain anonymous. Persons wishing to disclose concerns in this way, often referred to as 'whistleblowers', are able to do so via UCL's Public Interest Disclosure policy (<https://www.ucl.ac.uk/human-resources/public-interest-disclosure>). Cases of 'whistle-blowing' may therefore be referred for consideration under the Public Interest Disclosure Procedure instead of the Research Misconduct Procedure.

### **Receipt and Initial Assessment of Allegations**

- C8. The Registrar will conduct an Initial Assessment of the allegations in order to determine whether the allegations:
- a. are mistaken, frivolous, vexatious, malicious, do not disclose any case to answer or are otherwise without merit. If the Registrar decides that the allegations are mistaken, frivolous, vexatious, malicious, do not disclose any case to answer or are otherwise without merit, the allegations will be dismissed. This decision will be reported in writing to the Complainant. The Registrar will advise the prospective Respondent in writing that allegations had been made against him/her by the Complainant (who shall be named by the Registrar), but were dismissed as being mistaken, frivolous, vexatious and/or malicious. The Registrar will also take steps, as required and appropriate to the seriousness of the dismissed allegations, to support the reputation of the Respondent and the research project(s) concerned (see Annex 8) e.g. the Registrar will consider recommending to the appropriate parties that action be taken under UCL's relevant disciplinary process against any UCL member of staff or student who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research; where the allegations have been made by an individual or organisation external to UCL, the Registrar will consider notifying any appropriate external parties that can include the Complainant's employing institution, regulatory bodies and/or law enforcement bodies;
  - b. relate to matters which fall within the definition of misconduct in research under this Procedure as detailed in Annex 2;
  - c. concern situations that require immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall short of good practice). In such circumstances, the Registrar may take appropriate action in a timely manner to ensure that any such potential or actual danger/illegal activity/risk is prevented/eliminated. Such actions are not regarded as disciplinary actions nor do they indicate that the allegation is true and that the relevant parties will be notified of the same;



- d. are of such a nature that it is necessary to notify legal or regulatory parties, such as in situations as detailed in (c) above, where an activity is potentially or actually illegal and/or a danger to persons, animals and/or the environment. As a consequence of such notification, UCL may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Procedure. The Procedure may continue in parallel but may have to be suspended, to be concluded later, or may have to be declared void by the Registrar;
- e. include behaviour subject to defined sanctions in UCL's disciplinary processes. In such circumstances, the Registrar will refer the allegations to the Director of Human Resources (in cases involving members of UCL staff and honorary staff) or to the Senior Assistant Registrar (Casework and Governance) (for cases involving UCL students) for consideration under the relevant disciplinary process. As above, the Procedure may continue in parallel with the disciplinary process but may have to be suspended, to be concluded later, or be declared void by the Registrar.

C9. If the allegations are judged to fall outside the definition of misconduct in research under this Procedure as detailed in Annex 2, the Registrar will communicate to the Complainant in writing:

- the reasons why the allegations cannot be investigated using this Procedure;
- any alternative process for dealing with complaints which might be appropriate for handling the allegations (if any); and
- details of any UCL officer to whom the allegations should be reported and any action taken by the Registrar in reporting the allegations.

C10. Allegations of misconduct in research that are assessed by the Registrar as falling within the definition of misconduct in research but not requiring notification to legal or regulatory bodies or immediate referral to UCL's disciplinary processes will proceed to the Screening Committee stage of the Procedure, except in the following circumstances:

- a. where the Registrar decides, in exceptional cases, that the allegations are sufficiently serious and are judged to pose a threat to the reputation of UCL and/or public safety and/or a danger to persons, animals and/or the environment, that the allegations should proceed straight to the Formal Investigation stage without any screening, subject to the approval of the Vice-Provost (Research, Innovation and Global Engagement);
- b. where an allegation is submitted to the Registrar following an investigation which has already been undertaken (or is underway), by the former RGC and/or by RIGEC and/or by the JRO of UCL, the Registrar may, if he/she sees fit, direct that the allegations proceed immediately to the formal investigation stage and without any screening, subject to the approval of the Vice-Provost (Research, Innovation and Global Engagement);
- c. where the allegations are straightforward and are not considered to be serious in nature, and there is no intent to deceive, the Registrar will resolve the case themselves. In resolving the case, the Registrar may recommend a specific course of action (eg correction and/or training) or may determine that an outcome already reached (such as the failure of a PhD) was sufficient to address the matter.

- C11. Where the allegations are within the definition of misconduct in research, the Registrar will inform UCL's:
- President and Provost;
  - Vice-Provost (Research, Innovation and Global Engagement);
  - Director of Finance and Business Affairs;
  - Director of Human Resources (for cases involving UCL staff or honorary staff); or
  - Senior Assistant Registrar (Casework and Governance) (for cases involving UCL students); and
  - Director of Legal Services
  - Director of Research Services
  - The Head of Department or equivalent

that allegations of misconduct in research have been received on a particular date and that they will be investigated under this Procedure. They will be provided in confidence with the following information:

- the identity of the Complainant;
- the identity of the Respondent;
- details of all sources of internal and external funding (where known/available);
- details of all internal and external collaborators for the research in question (where known/available); and
- other details that the Registrar considers appropriate.

It will be stressed that the allegations of misconduct in research that are to be investigated are as yet unproven and that the information is confidential.

- C12. The Registrar will, in conjunction with the nominated individuals in UCL Human Resources and UCL Finance and Business Affairs, investigate the contractual status of the Respondent (in those cases where the Respondent is a member of UCL staff or honorary staff) and the contractual details specific to the research project(s) related to the allegations.
- C13. If UCL is not the Respondent's substantive employer, the Registrar will notify the relevant responsible officer of the Respondent's substantive employer and inform him/her of the allegations. A case meeting will normally be held involving the Registrar, a representative of the Respondent's substantive employer, and any other relevant parties to establish who will take responsibility for investigating the allegations (provided that UCL reserves the right to undertake its own investigations in any circumstances it sees fit). It is normally for the substantive employer to implement an investigation of any allegations of research misconduct in line with their respective organisation's procedure.
- C14. Where the allegations of research misconduct also involve one or more other Respondents who are employed at other institutions, the Registrar will contact the relevant responsible officer of the other Respondent's substantive employer and inform him/her of the allegations. A case meeting will normally be held involving the Registrar, a representative of the Respondent's substantive employer, and any other relevant parties to establish who will take responsibility for leading on investigating the allegations. The principles set out in the Russell Group Statement on Cooperation in respect of cross-institutional research misconduct allegations will be followed in such circumstances as at Annex 3.
- C15. The Registrar will investigate whether any research project that the allegations relate to includes contractual obligations that require UCL to undertake prescribed steps in the event of allegations of misconduct in research being made. Such an undertaking might be given in:

- a contract from a funding organisation;
- a collaborations partnership contract/agreement/memorandum of understanding; or
- an agreement to sponsor the research.

An external sponsor, funding organisation and/or collaborator might have a valid interest in, or responsibility for, the way that the investigation is conducted. The Registrar will confirm whether UCL has any contractual/legal obligations towards such external parties concerning any aspects of the investigation to ensure that any such obligations are fulfilled **at the appropriate time** through the correct mechanisms. The Registrar will liaise with UCL Human Resources and UCL Legal Services to ensure that the rights of the Respondent and Complainant, and the integrity of the investigation are not compromised by any such actions.

- C16. The Registrar will emphasise to all parties that the allegation is to be investigated, is as yet unproven and that the information is confidential. The 'appropriate time' will vary from case to case and may be following the initial assessment or not until after the completion of the Screening Committee stage.
- C17. If the allegations are against an employee whose research or work is funded by a third party, or who is in receipt of funding by a third party, the Registrar may take steps to inform UCL's Third Party Notification Group in order for it to consider whether UCL is or may be required to notify the funding body in relation to such allegations and what steps, if any, may need to be taken in this regard, whether in connection with the terms under which the relevant funding is provided or otherwise. The name of the employee will be kept confidential to the Registrar, the Director of Research Services and the Director of Legal Services and only the nature of the allegations and the type of funding will be discussed. The name of the employee may be disclosed to the Third Party Notification Group if considered appropriate. The Registrar and the Third Party Notification Group shall endeavour to deal with such matters with discretion as detailed at Annex 4.
- C18. Subject to processes that may override the Procedure as defined at Para C8 (c) and (d) (legal or regulatory procedures) or C13 above (the procedure to be managed by the Respondent's primary employer), the Registrar will inform the Respondent that allegations of misconduct in research have been made which involve him/her. The Respondent will normally be informed of this in a confidential meeting, with a representative of UCL Human Resources in attendance. The purpose of this meeting is to tell the Respondent formally about the allegations of misconduct in research have been made against him/her and to share indicative information about the allegations submitted by the Complainant. The Respondent will be given the opportunity to respond to the allegations and set out his/her case at a later stage.
- C19. The Respondent may be accompanied to this meeting by a companion (see Para 9, Annex 1). If the allegations are made against more than one Respondent, the Registrar will inform each individual separately and (as far as reasonably practicable) not divulge the identity of any other Respondent, unless the Respondents request otherwise. A copy of the allegations and any supporting documentation submitted by the Complainant in writing will be given to the Respondent at the meeting, together with a copy of the Procedure to be used to investigate the allegations. The Registrar will outline the Procedure to be used and the opportunities that the Respondent will have to respond to the allegations. The Registrar will also offer an outline timetable for the Procedure relating to the subsequent stages, as far as is practicable.
- C20. The Registrar will ensure that, in using any part of the Procedure for the investigation of the allegation of misconduct in research, any actions that may be required to be carried out to protect the interests of staff and students of UCL and colleagues and students of the Complainant and/or Respondent.
- C21. The Registrar will, if necessary, take such action as may be required to safeguard the integrity of any enquiries conducted under this Procedure. This may include, but is not limited to:

- securing all relevant information, records, materials and locations associated with the work;
- liaising with UCL Human Resources and the relevant line manager(s) to:
  - request the temporary suspension of the Respondent from duties on full pay;
  - request the temporary barring of the Respondent from part, or all, of UCL's premises and any of the sites of any partner organisation(s); and/or
  - request a temporary restriction be placed on the Respondent requiring him/her not to have contact with some or all of the staff of UCL and those of any partner organisation(s).

The Registrar will **only** take such actions in situations where there is a clear risk to individuals or that evidence might be destroyed and **only** after careful consideration of those risks and consequences. The reason(s) for taking any such actions will be recorded in writing and communicated to all relevant parties. In taking such action the Registrar will reassure the Respondent that it is not part of any disciplinary action and does not indicate that the allegations are believed to be true by UCL; rather it will be stressed that it is essential to ensuring that the allegations of misconduct can be properly investigated. Steps to suspend or bar a member of staff will take into account his/her responsibilities for supervision, teaching and management and make alternative arrangements to meet these responsibilities. Any suspension or barring of the Respondent will be reviewed throughout the Procedure to ensure that the requirement does not extend for longer than reasonably necessary.

- C22. The Respondent is to be provided with copies of any records and materials that are obtained. No records or materials obtained throughout the Procedure will be provided to the Complainant.
- C23. In considering the allegations and the information available, the Registrar may decide that additional consideration of related but separate issues of misconduct in research need to be instigated. Furthermore, the Registrar may decide that additional Respondents should be included in the screening process where there are a number of individuals involved in the research that is the subject of the misconduct allegation.
- C24. Those who have made allegations in good faith will not be penalised and might require support (see Annex 8).
- C25. Once initiated the Procedure will progress to the natural end-point irrespective of:
- the Complainant withdrawing the allegations at any stage;
  - the Respondent admitting, or having admitted, the alleged misconduct, in full or in part; and/or
  - the Complainant or Respondent resigning, or having already resigned, his/her post.
- C26. The Initial Assessment stage of the Procedure will normally be completed within a maximum of **20 working days** from the receipt of the allegations. Any delays should be explained to all parties in writing, and a revised completion date given.

## Screening Stage: Research Misconduct Allegations Screening Committee

### Principles

- C27. The Registrar will refer the allegation to UCL's Research Misconduct Allegations Screening Committee to determine whether there is *prima facie* evidence of misconduct in research.
- C28. The Screening Committee will be convened to consider any allegations of misconduct in research, which have passed through an Initial Assessment by the Registrar and which are considered as:

- not encompassing breaches of the law or areas within the domain of the relevant regulatory authority which would, in the opinion of the Registrar, be better (or better first) addressed through a process other than this Procedure;
- not encompassing breaches of UCL's regulations or policies such as might require the implementation of the relevant disciplinary process rather than this Procedure;
- constituting research activity for which UCL is the Sponsor or for which UCL has primary [or otherwise material] responsibility;
- involving a Respondent where UCL is the substantive employer or where it has primary responsibility, agreed with other employing organisations; and
- having the potential to have substance, in that the allegations, as considered in the initial assessment, are not considered to be mistaken, frivolous, vexatious, malicious, do not disclose any case to answer or are otherwise without merit.

C29. Individual Screening Panels will be formed as sub-groups of the Screening Committee to consider any allegations. In referring an allegation to a Screening Panel, the Registrar will consider:

- any conflicts of interest that might arise;
- any links with any of the persons involved (Complainants or Respondents);
- any personal connections with the subject matter of the allegations; and
- any connections with the work through for example, UCL's groups established to review proposals for research or ethics committees.

C30. The Registrar will take great care to ensure that all currently available information on the case is fully and accurately presented to a Screening Panel.

C31. The Committee Secretary has the responsibility to ensure maintenance of a record of evidence sought and received, and conclusions reached, by individual Screening Panels and the Screening Committee.

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C32. The Respondent will be given the opportunity to submit a written response to the allegations, which will be made available to a Screening Panel.

C33. Where the Complainant does not participate in the screening stage of the process, the Registrar will not communicate with him/her in the interests of ensuring confidentiality of the Respondent.

C34. Where the Respondent has left UCL, UCL reserves the right to proceed with any screening or investigation without the participation of the Respondent, subject to the Respondent having been properly notified of the allegation and given sufficient opportunity to respond.

## **Operation of the Screening Committee and Individual Screening Panels**

C35. The Screening Committee will be constituted and work in accordance with the Terms of Reference outlined at Annex 6 and the process outlined below. An individual Screening Panel should normally aim to complete its work within **45 working days** of the date of its meeting at which the allegation is considered.

C36. Where there is more than one Respondent, a Screening Panel may determine a different outcome for each Respondent. The decision relating to each Respondent will be made confidentially to him/her alone; where

practicable, it will not be communicated to the other Respondent.

- C37. The Respondent must be given an opportunity to meet with a Screening Panel before confirming any decision to refer the matter to a Formal investigation. No such opportunity for a meeting is required where there is no such recommendation.

### **Interview**

- C38. During the Screening Stage, where relevant, a Screening Panel will interview the Complainant, the Respondent, and other individuals who might provide relevant information to assist the Panel. Where the Complainant will not take part in the screening stage, the Registrar will provide advice to the Panel on the extent to which that party can be kept up to date with proceedings as they progress.
- C39. An employee Complainant/Respondent interviewed by a Screening Panel may be accompanied and represented by a companion, who must be a workplace colleague or trade union representative.
- C40. A student Complainant/Respondent interviewed by a Screening Panel may be accompanied and represented by a companion, who must be a student friend or a UCL Union sabbatical officer or a member of staff who is in receipt of a valid contract of paid employment with UCL.
- C41. UCL expects those who can provide relevant information to provide that information to a Panel.

### **Screening Report**

- C42. The Committee Secretary will make a Screening Panel's draft report on a case available to the Registrar and will forward the draft report to the Complainant and Respondent for their comments on its factual accuracy. Where the Complainant has not participated in the screening process, the Committee Secretary will not normally send the draft report to the Complainant.
- C43. Only when the report include errors of fact, as indicated by the Complainant and/or Respondent, will a Screening Panel modify the report. The Chair of the Panel will judge the validity of such comments submitted via the Committee Secretary and seek the agreement of the Panel before making amendments to the Panel's report.
- C44. The Committee Secretary will then forward the final version of a Screening Panel's report on a case to the Screening Committee for review and approval. Once approved, the Registrar will forward it to the Complainant, where it is appropriate to do so, and to the Respondent.

### **Outcome**

- C45. The Committee Secretary will inform the UCL Third Party Notification Group of the outcome of the case so that it can consider notifying any funding bodies involved.
- C46. When the allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The Registrar will 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) (see Annex 8). In addition, the Registrar will consider recommending to the appropriate parties that action be taken under UCL's relevant disciplinary process against any UCL member of staff or student who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research. Where the allegations have been made

by an individual or organisation external to UCL, the Registrar will consider notifying any appropriate external parties that can include their current employer and any other parties.

- C47. When there is clear evidence of an infringement that might contravene UCL's disciplinary codes, the Registrar will consult the Director of Human Resources (for cases involving UCL staff or honorary staff) or the Student Casework Team (for cases involving UCL students) on the full and accurate transfer of all case information to the appropriate disciplinary process. A full written record will be kept of the decision to transfer to the disciplinary process. Referral to the disciplinary or other appropriate procedures may occur in parallel to the Screening Committee process or following the process where the Screening Committee determines that there is no *prima facie* evidence of misconduct in academic research.
- C48. When the allegations have some substance, but there is a lack of intent to deceive or if what has occurred is found to be of a relatively minor nature, the matter will be addressed through UCL's competency, education and training mechanisms, or other non-disciplinary processes, rather than through the Procedure's Formal Investigation stage. The formal proceedings using the Procedure would then conclude at this point. The Registrar may take steps in conjunction with the Respondent's line manager and/or head of department to establish an appropriate programme of training or supervision for the Respondent if considered necessary.
- C49. In those cases where a Screening Committee recommends that a Formal Investigation should be undertaken into the allegations of misconduct in research, the individual Screening Panel may also set out in its report any other salient issues relating to those allegations that it concludes should be considered by the Investigation Panel as part of the Formal Investigation stage of the Procedure.
- C50. The work of the individual Screening Panel and the Screening Committee in relation to the allegation is then concluded.
- C51. Any queries should be referred to the Registrar.
- C52. Those who have contributed to, or served on, the individual Screening Panel and/or the Screening Committee will have no further involvement in the Procedure, unless formally asked to clarify a point in their written report, at a subsequent part of the investigation.
- C53. When the Screening Committee considers that the allegations are sufficiently serious and have sufficient substance to warrant recommending a Formal Investigation, the Registrar will take steps in a timely manner to set up an Investigation Panel.

## **Formal Investigation Stage**

### **Principles**

- C54. The Investigation Panel will be convened to investigate allegations of misconduct in research, which have passed through the Screening Stage and are therefore considered to be sufficiently serious and of sufficient substance to justify a Formal Investigation.
- C55. The Formal Investigation is designed to ensure the full and fair exploration of the allegations in the context of research and is not intended to replace or subsume any existing disciplinary process. The outcome of the Formal Investigation might be to recommend that the matter be referred to UCL's relevant disciplinary process, but the Formal Investigation is not itself a disciplinary process.

- C56. Although not working to a prescribed deadline, the Panel will normally set an indicative timetable for the completion of the investigation, which should be as soon as is practical without compromising the Principles of the Procedure (Annex 1).
- C57. The Panel Secretary will report the progress made by the Investigation Panel, by reference to criteria agreed by the Panel in advance, to the Registrar on at least a monthly basis. The Registrar will also then provide appropriate information on the progress of the investigation to other interested parties.
- C58. The Panel Secretary is responsible for keeping a full record of the evidence received and of the proceedings of the Investigation Panel and for ensuring the transfer of that record to the Registrar upon completion of the Investigation Panel's work.

## **Procedure**

- C59. The Registrar will inform the following that a Formal Investigation of the allegations is to take place:
- The Complainant;
  - The Respondent;
  - UCL's President and Provost;
  - Vice-Provost (Research, Innovation and Global Engagement);
  - Director of Human Resources (for cases involving UCL staff or honorary staff);
  - Director of Legal Services;
  - Senior Assistant Registrar (Casework and Governance) (for cases involving UCL students), and/or;
  - The head of any partner organisation with which either the Complainant and/or Respondent has an honorary contract, and through him/her, other relevant officers of the organisation eg the heads of human resources and research.

Where the Complainant chooses to remain anonymous or pseudonymous, the Registrar will not normally communicate with him/her.

- C60. Where the Complainant does not participate in the Investigation Panel process, the Registrar will not communicate with him/her in the interests of ensuring confidentiality of the Respondent.
- C61. Where the Respondent has left UCL and does not participate in the Investigation Panel process, the Investigation Panel will review the allegation in their absence without the Registrar continuing to attempt to communicate with her/him.
- C62. The Registrar will then convene a Formal Investigation Panel. The Investigation Panel will be constituted and work in accordance with the Principles outlined at Annex 1 and the process outlined in Annex 7. The Investigation Panel will examine the evidence collected during the Screening Committee process and further investigate the allegation(s) and any other issues as set out in the Screening Committee's final report.
- C63. During the Formal Investigation, the Respondent will be given the opportunity to be interviewed by the Investigation Panel (see Annex 7). The Complainant will have the opportunity to be interviewed by the Panel where he/she had participated in the process to that stage.
- C64. The Registrar will use his/her discretion to decide whether or not it is appropriate to make a further approach to an anonymous/pseudonymous Complainant, inviting him/her to be interviewed by the Investigation Panel.



## **Operation of the Investigation Panel**

- C65. The Investigation Panel will typically be appointed within 30 working days of the submission of the Screening Committee's report recommending a Formal Investigation. It will be constituted and work in accordance with the Terms of Reference at Annex 7 and the process outlined below. In carrying out the Formal Investigation the Investigation Panel will not work to a prescribed timetable. The Panel will conduct the investigation as quickly as reasonably practicable without compromising the Principles of the Procedure.
- C66. Where there is more than one Respondent, the Investigation Panel may determine a different outcome for each Respondent. The decision relating to each Respondent will be made confidentially to him/her alone; where practicable, it will not be communicated to the other Respondent. To this end, it may be necessary to provide more than one version of the report of the Investigation Panel.

## **Hearing**

- C67. The Panel will hold a Formal Hearing during which the Respondent must be given the opportunity to set out his/her case and respond to the allegations made against him/her. He/she will also be allowed to ask questions, to present evidence, call witnesses and raise points about any information given by any witness (including the Complainant), regardless of who has called the witness in question.
- C68. The Panel will invite the Complainant and other staff to provide evidence when members of the Panel consider that it may have relevance to the investigation.
- C69. An employee Complainant/Respondent interviewed by the Investigation Panel may be accompanied and represented by a companion, who must be a workplace colleague or trade union representative.
- C70. A student Complainant/Respondent interviewed by the Investigation Panel may be accompanied and represented by a companion, who must be a student friend or a UCL Union sabbatical officer or a member of staff who is in receipt of a valid contract of paid employment with UCL.
- C71. UCL expects those who can provide relevant information to provide that information to the Panel.
- C72. An audio recording of the proceedings of the Formal Hearing will normally be made except when the Panel withdraws for private discussions.

## **Investigation Panel Report**

- C73. Once the Investigation Panel has reached a conclusion, it will then produce a final report that:
- summarises the conduct of the investigation;
  - states whether the allegations of misconduct in research have been upheld (in whole or in part) or not upheld, 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; and
  - addresses any procedural matters that the investigation has brought to light within UCL and relevant partner organisations and/or funding bodies; and
  - reports any other matters that should be investigated.
- C74. In addition to reaching a conclusion over the nature of the allegations, the Investigation Panel may express a view on the following matters:

- a. whether the allegations should be referred to the disciplinary procedures of UCL or other relevant organisation;
- b. whether any action will be required to correct the record of research;
- c. whether organisational matters should be addressed by UCL through a review of the management of research; and
- d. any other matters that should be investigated.

- C75. The Panel Secretary will make the Investigation Panel's draft report available to the Registrar and will forward it to the Complainant and Respondent for comment on the factual accuracy of the report. Where the Complainant has not participated in the Investigation Panel process, the Panel Secretary will not normally send the draft report to the Complainant.
- C76. Only when the report contains errors of fact as indicated by the Complainant and/or Respondent, and accepted by the Investigation Panel, will the Chair modify the report. The Chair will judge the validity of such comments submitted via the Panel Secretary and seek the agreement of the Panel before making amendments to the Panel's report.
- C77. The Panel Secretary will then forward the final version of the Investigation Panel's report to the Registrar, who will forward it to the Complainant where it is appropriate to do so, and to the Respondent.

## **Outcome**

- C78. If all or any part of the allegations are upheld, the Registrar, the Director of Human Resources (in cases involving UCL staff or honorary staff) or the Senior Assistant Registrar (Casework and Governance) (in cases involving UCL students) and at least one other member of senior staff will then decide whether the matter should be referred to the relevant UCL disciplinary process or for other formal actions.
- C79. The Registrar will inform the following of the conclusion of the Formal Investigation:
- The Complainant and Respondent;
  - UCL's President and Provost, the Vice-Provost (Research, Innovation and Global Engagement), the Director of Human Resources (for cases involving members of UCL staff or honorary staff), the Director of Legal Services, the Head(s) of the relevant Department(s), the Senior Assistant Registrar (Casework and Governance) (for cases involving UCL students), and any other relevant members of staff;
  - If the Complainant and/or Respondent are employed on joint clinical/honorary contracts, the relevant officers of the NHS Trust(s) concerned;
  - Where appropriate, the responsible persons within any relevant partner organisations, funding bodies and/or regulatory or professional bodies; and
  - Where appropriate, the editors of journals where the research was published.
- C80. The Governance Manager: Research Integrity will inform the UCL Third Party Notification Group of the outcome of the Formal Investigation so that it can notify any third parties involved including funding bodies as necessary.
- C81. UCL will normally take steps to publish an anonymised case summary on the UCL Student and Registry Services Governance webpages when an allegation has been upheld in full or in part.

- C82. Should the allegations proceed to UCL's disciplinary process relating to staff, the report of the Investigation Panel may form part of the evidence that the disciplinary panel receives. All the information collected and brought to light through the Procedure will be made available under the disciplinary process. The Chair (or nominated alternate) may be required to present the findings of the Investigation Panel to the disciplinary panel.
- C83. Where allegations have not been upheld (in full or in part), the Registrar will take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s) (see Annex 8).
- C84. Where the Investigation Panel concludes the allegations are frivolous, vexatious and/or malicious, the Registrar will consider recommending to the appropriate parties that action be taken under UCL's relevant disciplinary process against any employee or student of UCL who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research. If the allegations were made by anyone outside of UCL, the Registrar will consider recommending to their employer, where known, that action should be taken under their respective disciplinary process.
- C85. It is not intended that the Procedure will be used in place of any disciplinary or regulatory process, although it may be a prelude to such a process. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process.
- C86. Questions relating to the reports of both the Screening Committee and Investigation Panel can only be raised with the Chair of either body over matters of fact (Annexes 6 and 7). The Complainant and Respondent will not have the option of appealing against the reports of either stage of the Procedure. Should the matter subsequently be referred to the relevant disciplinary process, then the Respondent will have a right of appeal as part of that process.
- C87. Once it has completed the report and reached a conclusion, the work of the Investigation Panel in relation to the allegation is then concluded and the Panel should be disbanded. As the matter may then give rise to disciplinary or other action, members of the disbanded Investigation Panel should not make any comment on the matter in question, unless formally sanctioned by UCL or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence.
- C88. Any queries or requests for comment addressed to members of the Investigation Panel should be referred to the Registrar.
- C89. Those who have contributed to, or served on, the disbanded Investigation Panel should have no further involvement in the Procedure, unless formally asked to clarify a point in their written report at a subsequent investigation.
- C90. Involvement in either the Screening or the Investigation Panel rules out participation in any disciplinary process, provided that this shall not prevent a Panel member from presenting the Investigation Panel's report of findings as part of any disciplinary process as required.

#### **Actions to consider**

- C91. Where the Investigation Panel concludes that the allegations are upheld in full or part, there may be a requirement to consider action in addition to any that might be recommended through UCL's relevant disciplinary process. This includes such issues as those that are addressed in Annex 8. The Registrar

should consider the use of the recommendations set out in any case where misconduct in research has been investigated.

C92. The timing of any actions taken will be compatible with UCL's relevant disciplinary process.

## **Annex 1: Principles**

1. Misconduct in research is a serious matter. Equally, the investigation of allegations of misconduct in research must be conducted in accordance with the highest standards of integrity, accuracy and fairness.
2. Those responsible for carrying out investigations of alleged misconduct in research will act with integrity and sensitivity at all times.
3. The following principles of Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance as defined below will inform the carrying out of this Procedure (Parts A, B and C) for the investigation of allegations of misconduct in research.

### **Fairness**

4. The investigation of any allegations of misconduct in research will be carried out fairly and in accordance with the statutory rights of all parties involved.
5. Those responsible for implementing this Procedure should be familiar with:
  - the statutory obligations of UCL and the rights of employees according to current law;
  - any additional rights and obligations particular to the institution and/or its employees.
6. Where anyone is the subject of an allegation of misconduct in research, that person will be given full details of the allegations in writing \*.

\* The only exception to this Principle might be in circumstances where the allegations involve matters which are or are reasonably likely to be subject to a criminal investigation.

7. When someone is formally investigated for alleged misconduct in research, he/she will be given the opportunity to set out his/her case and respond to the allegations against him/her.
8. He/she will also be allowed to:
  - ask questions;
  - present information (evidence) in his/her defence;
  - adduce evidence of witnesses;
  - raise points about any information given by any witness (regardless of who has called the witness in question).
9. The Complainant and Respondent may be accompanied at any meeting by a companion who must be a workplace colleague or trade union representative (for members of UCL staff or honorary staff) or 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 (for UCL students). They may also be represented by such a companion during the Screening and Formal Investigation stages of the process i.e. the companion shall have an opportunity to address the Committee/Panel, put and sum up the Complainant's/Respondent's case, respond on their behalf to any views expressed at the meeting, and confer with the Complainant/Respondent during the meeting. The companion does not have the right to answer questions on the Complainant's/Respondent's behalf, address the meeting if the Complainant/Respondent does not wish it, or prevent others from explaining their case. The Complainant/Respondent should notify the Committee/Panel of his/her chosen companion prior to any meeting.

10. No communication, either oral or written, will be entered into with any representative (including legal advisers) advising the Complainant and/or Respondent. All parties must only communicate with the Screening Panel, Screening Committee and the Investigation Panel *via* the Secretary throughout the process.
11. The Complainant and/or Respondent will indicate the relevance of any supporting evidence they submit to the Screening Panel, Screening Committee and the Investigation Panel. The Screening Panel, the Screening Committee and the Investigation Panel reserve the right, acting reasonably, to determine that any documentation submitted is not relevant to its consideration of the allegations concerned under this Procedure, and that it will not consider such material further.
12. To ensure a fair investigation, an individual may not be a member of both the Screening Committee and the Investigation Panel and, if he/she has been involved in either, he/she should not be part of any subsequent UCL disciplinary process.

### **Data Protection**

13. Further, the investigation of any allegation will constitute the processing of the personal data of living individuals. This processing is regulated by the UK GDPR and the Data Protection Act 2018 (as amended). As it is the duty of UCL to comply with the data protection principles with respect to personal data any investigation will be carried out in accordance with such principles. These are set out in Article 5 of the UK GDPR.
14. UCL recognises its duty to consider the nature of the personal information in question and where necessary treat such information as special category data in accordance with the UK GDPR.

### **Confidentiality**

15. The Procedure will be conducted as confidentially as is reasonably practicable. The confidential nature of the proceedings will be maintained provided this does not compromise either the investigation of the misconduct allegations, any requirements of health and safety or any issue related to the safety of participants in research.
16. The confidential nature of the proceedings is essential in order to protect the Complainant, the Respondent and others involved in the Procedure.
17. It is important that in the conduct of an investigation using this Procedure the principles of confidentiality and fairness are applied with appropriate balance for both the Complainant and the Respondent.
18. The identity of the Complainant or the Respondent will not be made known to any third party unless:
  - it has been deemed necessary or appropriate (by those conducting the investigation) in order to carry out the investigation;
  - it has been deemed necessary or appropriate as part of action taken against the Respondent when (at the end of the Procedure and UCL's relevant disciplinary/appeals processes) the allegations have been upheld;
  - it has been deemed necessary or appropriate as part of action taken against a person who has been found to have made malicious, vexatious or frivolous allegations;
  - it is the stated policy of the employer/funder/other national body that the identity of individuals proved through appropriate disciplinary and appeals processes to have committed misconduct in research should be made public (subject to UCL's confidentiality and data protection obligations); and/or

- there is a legal requirement to do so (for example, pursuant to a Production Order and therefore required by a court order).

19. Any steps to reveal the name of the Respondent or Complainant in public, arising from the investigation of allegations of misconduct in research, will typically be taken only at the conclusion of UCL's disciplinary and appeals processes (unless UCL reasonably believes it is appropriate to do so at an earlier stage, for example if there is a legal requirement to do so).
20. Any disclosure to a third party of the identity of the Complainant or Respondent, or of any other details of the investigation, will be made on a confidential basis. The third party should understand this, and that he/she must respect the confidentiality of any information received.
21. UCL and/or its staff may have contractual/legal obligations to inform third parties, such as funding bodies, regulators, collaborating organisation(s) or current employer(s), of allegations of misconduct in research. In such cases, those responsible for carrying this Procedure out will ensure that any such obligations are fulfilled at the appropriate time through the correct mechanisms, always keeping in mind the legal rights of the employees involved in the allegations.
22. While the allegations are under investigation using this Procedure (and/or UCL's relevant disciplinary process), the Complainant, the Respondent, witnesses or any other persons involved in this Procedure should **not** make any statements about the allegations to any third parties, unless formally sanctioned by UCL or otherwise required to by law (for example, pursuant to a court order).
23. Breaching confidentiality may lead to disciplinary action, unless covered by the Public Interest Disclosure Act and/or UCL's own grievance procedures.
24. In the event of any conflict between the principle of confidentiality and any of the other principles of this Procedure, those conducting the Procedure should consider the principle of Balance (see points 44 to 47 inclusive below).

## **Integrity**

25. An investigation into allegations of misconduct in research using the processes of Screening or Formal Investigation of the Procedure will be fair and comprehensive. The investigation will be conducted expediently although without compromise to the fairness and thoroughness of the process.
26. Anyone asked to take part in the processes as a Panel member (as detailed at Annexes 6 and 7) will make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.
27. Similarly, those who give evidence to the investigation will do so honestly and objectively in accordance with the Principles of the Procedure and should be provided with relevant sections of the Procedure before giving evidence.
28. All parties involved will inform the Registrar immediately of any interests that they have which do or may constitute a conflict of interest as regards any aspect of the allegations, the investigation, the area(s) of research in question, or any of the persons concerned. Where the Registrar has any interest which might constitute a conflict, he/she will declare any such conflicts and refer the investigation to the Vice-Provost (Research, Innovation and Global Engagement) or her/his nominee who will decide if he/she should be excluded from involvement in the investigation, recording the reasons for the decision (see C4 above).

29. The declaration of an interest by an individual does not automatically exclude him/her from participating in the investigation. The Registrar will decide if an interest declared by the individual warrants exclusion from involvement in the investigation and record the reasons for the decision.
30. In the interests of openness and transparency, the Registrar will consider whether it would be appropriate to invite members from outside UCL to join both the Screening Committee and Formal Investigation Panel of the Procedure.
31. Detailed and confidential records will be maintained on all aspects, and during all stages, of the Procedure. It is the responsibility of the Registrar to see that such records are maintained and made available at all stages for any use of UCL's disciplinary processes.
32. At the conclusion of the proceedings, all records should be retained by UCL (within Student and Registry Services), for as long as UCL's policy for maintaining such records requires.
33. To preserve the integrity of this Procedure, great care will be taken to ensure that all relevant information is transferred to those involved in the various stages of the Procedure, such as between the Screening Panel and any Investigation Panel and between the Investigation Panel and any relevant disciplinary process.
34. Those responsible for carrying out the Procedure should recognise that failure to transfer information could lead to the process being unfair to the Complainant and/or Respondent. The transfer of information includes the report made at each stage and any expert opinion sought.
35. Suggested good practice on the keeping, transfer and storage of records can be found in Annex 9.

## **Prevention of Detriment**

36. 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, vexatious and/or malicious allegations of misconduct in research;
  - the position and reputation of those suspected of, or alleged to have engaged in, misconduct, when the allegations or suspicions are **not** confirmed; and
  - the position and reputation of those who make allegations of misconduct in research in good faith, i.e. in the reasonable belief and/or on the basis of supporting evidence that misconduct in research may have occurred.
37. The Initial Assessment and Screening stages of the Procedure are intended to determine whether allegations are mistaken, frivolous, vexatious and/or malicious. Only allegations that are judged to be sufficiently serious and of sufficient substance will proceed to a Formal Investigation.
38. It is acknowledged that allegations may be made for what appear to be malicious reasons. The Procedure should still be used where the Complainant makes a formal complaint, to establish whether the allegations are of sufficient substance to warrant investigation.
39. Anyone accused of misconduct in research is entitled to the presumption of innocence.
40. Formal Investigation should establish, on the balance of probabilities, the truth of any allegations.



41. While a Formal Investigation might result in recommendations being made in relation to the Respondent which fall short of disciplinary action (eg a recommendation for training), any formal steps taken to discipline the Respondent can only be taken through UCL's disciplinary processes which provides the Respondent with the right of appeal. Only when allegations have been upheld through UCL's disciplinary processes may it be appropriate to apply any disciplinary sanctions to the Respondent.
42. As far as reasonably practicable, UCL must take reasonable steps to ensure that the Respondent (or any other party) does not suffer material harm to his/her reputation because of unconfirmed or unproven allegations.
43. Involvement of the Respondent in the Procedure should not prevent the Respondent from being considered:
- for promotion;
  - or the completion of probation;
  - or other steps related to his/her professional development.

UCL may choose to either stay decisions on these issues or suspend the implementation of any promotion, completion of probation or any similar step, for the period that allegations are investigated and concluded using the Procedure.

If the allegations are upheld at the end of the Procedure, subject to UCL's disciplinary processes and/or appeals processes, UCL's normal rules with respect to steps related to professional development, such as those detailed above, should apply.

44. It will be made clear that any actions that might be taken by the Registrar in response to the notification of allegations of misconduct in research are **not** to be regarded as a disciplinary action and do not in themselves indicate that the allegations are believed to be true by UCL. The Registrar and members of any Screening Panels, the Screening Committee and any Formal Investigation Panels will take steps to make it clear to the Complainant, Respondent, and any other involved parties that these actions are necessary to ensure that the allegations of misconduct in research can be properly investigated.
45. It is recognised that an organisation may have existing internal procedures and/or legal obligations concerning staff who are under Formal Investigation of any type of misconduct and these may take precedence over the above guidelines.
46. Appropriate action will be taken against:
- Respondents where the allegations of misconduct in research have been upheld in accordance with this Procedure; and
  - any UCL employee or student or individual external to UCL who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research.

## Balance

47. 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 the 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.

48. The Registrar will be responsible for resolving any such conflicts between the Principles, keeping in mind at all times that the primary goal of this Procedure is to determine the truth of the allegations.
49. In addition, the Registrar will be responsible for ensuring the integrity of this Procedure and any actions taken as a consequence of it. The Registrar will decide the course of action to be taken in cases of doubt.
50. The Registrar will keep a written record of all decisions taken throughout all the steps of the Procedure. The Registrar will liaise closely with the Secretaries of the Screening Committee and Formal Investigation Panels to ensure that a proper record is maintained throughout the Procedure.

## **Annex 2: Definitions**

### **1. Accepted Procedures (for research)**

Accepted procedures include, but are not limited to, the following:

- gaining informed consent where required;
- gaining formal approval from relevant organisations where required;
- any protocols for research contained in any formal approval that has been given for the research;
- any protocols for research as defined in contracts or agreements with funding bodies and sponsors;
- any protocols approved by the Medicines and Healthcare products Regulatory Authority (MHRA) for a trial of medicinal products;
- any protocols for research set out in UCL guidelines and other relevant partner organisations;
- any protocols for research set out in the guidelines of appropriate recognised professional, academic, scientific, governmental, national and international bodies;
- any procedures that are aimed at avoiding unreasonable risk or harm to humans, animals or the environment;
- good practice for the proper preservation and management of primary data, artefacts and materials; any existing guidance on good practice on research.

Accepted procedures do **not** include:

- un-consented to/ unapproved variations of the above;
- any procedures that would encourage, or would lead to, breaches in the law.

Although allegations of misconduct in research are often raised as departures from accepted procedures in the conduct of research, investigations should aim to establish intentional and/or reckless behaviour as set out in the definition of misconduct in research (Para 7 below).

### **2. Complainant**

The Complainant is a person making allegations of misconduct of research against one or more Respondents (see below).

### **3. Disciplinary Process**

The disciplinary process refers to UCL's mechanisms for resolving disciplinary issues amongst its staff and/or students.

### **4. Employer**

The Employer is defined in this Procedure as the person or organisation who has retained the person (e.g. the Respondent) (see below) to carry out work, usually, but not always, through a contract of employment.

### **5. Formal Investigation**

The Formal Investigation is that part of the Procedure which is intended 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 which may make recommendations as to any response that UCL might make. The Formal Investigation will normally be preceded by the Screening Stage (see below).

## **6. Honorary Contract**

Honorary contracts are used in a variety of circumstances. As a result, it is not possible to provide blanket guidance as to which organisation should lead an investigation into allegations of misconduct in research against someone holding such a contract.

Examples of arrangements that commonly involve the issue of an honorary contract are:

- for a clinical academic working in both a university and an NHS organisation, in which case the NHS organisation would issue the honorary contract;
- for an NHS consultant with an arrangement to undertake teaching and/or research in a university, in which case the university would issue the honorary contract;
- for a researcher employed by a university and undertaking a research project in an NHS organisation, in which case the NHS organisation would issue the honorary contract.

There are significant differences in the responsibilities that an organisation might have for an individual according to the type of honorary contract used. For example, in the case of clinical academics with honorary contracts with an NHS organisation and NHS consultants with honorary contracts with a university, the substantive employer, depending on the circumstances of the case, will normally take the lead in an investigation of allegations of misconduct in research. This issue would be clarified at the case meeting that involve shared UCL staff that hold an NHS contract of employment (see C5 above).

In the case of a researcher employed by a university and undertaking research in an NHS organisation, usually the university, as the employer, would take the lead in an investigation of allegations of misconduct in research.

## **7. Misconduct in research**

Under this Procedure, misconduct in research is defined as follows:

- piracy, defined as the deliberate exploitation of ideas from others without proper acknowledgement;
- plagiarism, defined as the deliberate representation of another person's thoughts, words, artefacts or software, or any combination of these, as though they were the researcher's own;
- misrepresentation, defined as a deliberate attempt to misrepresent falsely or unfairly the ideas or the work of others, whether or not for personal gain or enhancement;
- fraud, defined as deliberate deception (which may include the invention or fabrication of data) or other misuse of research funds or research equipment;
- ghost writing, defined as when someone has made substantial contributions to writing a manuscript and this role is not mentioned in the manuscript itself. Ghost-writers generally work on behalf of companies, or agents acting for those companies, with a commercial interest in the topic;
- deliberately attempting to deceive when making a research proposal;
- failure to obtain appropriate permission to conduct research with ethical implications. This would not normally apply in the cases of taught students who have failed to obtain ethical approval, so long as there is no intent to deceive; these cases will be dealt with in the assessment of the work and reflected in the mark awarded;
- failure to follow protocols contained in ethical consent and unethical behaviour in the conduct of research;
- failure to meet relevant legal requirements and to follow any protocols set out in the guidelines of appropriate recognised professional, academic, scientific and governmental bodies;
- unauthorised use of confidential information;
- failure to follow any procedures and health and safety protocols that avoid unreasonable risk or harm to humans, animals or the environment;

- the deliberate misuse of research findings which may result in harm to individuals, populations, animals or the environment;
- failure to declare a conflict of interest which may significantly compromise, or appear to significantly compromise, the research integrity of the individual concerned and the accuracy of any research findings;
- inciting others to commit research misconduct;
- failure to declare (where known) that an external collaborative partner has been found to have committed research misconduct in the past or is currently being investigated following an allegation of research misconduct;
- facilitating misconduct in research by collusion in, or concealment of, such action; and
- submitting an accusation of research misconduct based on vexatious or malicious motives.

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.

The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct of any aspect of a research project. Where allegations concern an intentional and/or reckless departure from accepted procedures in the conduct of research that may not fall directly within the terms detailed above, a judgement should be made as to whether the matter should be investigated using the Procedure.

## **8. Named Person**

The Named Person is defined in the Procedure as the individual nominated by UCL to have responsibility for receiving any allegations of misconduct in research; initiating and supervising the Procedure for investigating allegations of misconduct in research; maintaining the record of information during the investigation and subsequently reporting on the investigation to internal contacts and external organisations; and taking decisions at key stages of the Procedure.

## **9. The Procedure**

The Procedure refers to this document, the Procedure for investigating and resolving allegations of misconduct in academic research.

## **10. Professional Body**

A professional body is an organisation with statutory powers to regulate and oversee a particular profession, such as doctors or solicitors.

## **11. Regulatory Authority**

A regulatory authority is an organisation with statutory powers to regulate and oversee an area of activity, such as health and safety, or medicines to be used on humans.

## **12. Research and Scholarship**

The Research Excellence Framework (REF) (HEFCs 'Guidance on submissions' (January 2019), p. 90) defines research and scholarship as the following:

'Research'... is defined as a process of investigation leading to new insights, effectively shared. It includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship\*; the invention and generation of ideas, images, performances, artefacts including design,

where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction.

It excludes routine testing and routine analysis of materials, components and processes such as for the maintenance of national standards, as distinct from the development of new analytical techniques. It also excludes the development of teaching materials that do not embody original research.

\* Scholarship... is defined as the creation, development and maintenance of the intellectual infrastructure of subjects and disciplines, in forms such as dictionaries, scholarly editions, catalogues and contributions to major research databases.'

### **13. Respondent**

The Respondent is the person against whom allegations of misconduct in research have been made. He/she must be a present or past employee and/or student of UCL.

### **14. Screening Stage**

The Screening Stage is that part of the Procedure which is intended to determine whether there is *prima facie* evidence of misconduct in research. The Screening Stage does **not** determine whether misconduct occurred or who might be responsible.

### **15. Sponsor**

A sponsor is often used in health, biomedical and clinical areas but could equally apply to other areas of research. The Department of Health (DH) Policy Framework for Health and Social Care Research (Department of Health 2017) defines a sponsor as the following:

" Individual, organisation or partnership that takes on overall responsibility for proportionate, effective arrangements being in place to set up, run and report a research project'.

For full details of the responsibilities of the Sponsor, refer to the latest version of the DH Policy Framework for Health and Social Care Research available on the DH website (see reference in Annex 11).

## **Annex 3: Russell Group Statement of Cooperation in respect of cross-institutional research misconduct allegations**

### **Introduction**

1. This Statement of Cooperation acts as a public acknowledgement of the principles agreed between the Russell Group Universities<sup>1</sup> in respect of managing investigations of alleged research misconduct. It also sets out the desired standards for cross-institutional investigations between Russell Group members and other universities and/or research organisations (including those outside the UK).
2. This Statement is intended as a set of principles regarding the approach to managing the review of cross-institutional research misconduct allegations. It is not intended to direct how the review process itself is conducted as this is dictated by the relevant institutions policies.
3. Note: The term 'investigation' is used in its broadest sense and refers to the whole process, from receipt of an allegation to completion of the process.

### **Purpose**

4. Institutions have a responsibility to properly consider all allegations of potential research misconduct, in order to ensure the integrity of research undertaken in their name.
5. Investigating allegations of research misconduct is a complex, challenging and highly sensitive process that, because of the risk of lasting and damaging effects on careers and reputations, impacts upon the emotional and mental wellbeing of those involved and others associated with the work, including those involved with the investigation process. It is therefore essential that the process is managed thoroughly and efficiently, in a timely manner, and with due care and regard for the wellbeing of all individuals. This includes providing clarity regarding their right to confidentiality and the extent to which this might be overridden by an institution's duty to uphold the integrity of research carried out in its name.
6. The process of considering allegations of research misconduct becomes more challenging when investigations cross institutional boundaries; such as when individuals (staff members or students) move to another institution, or a staff member or project is based at multiple institutions. These factors naturally increase the complexity of the process as well as potentially extend the time frame for completion. Institutions have a responsibility to work together towards an efficient conclusion of the matter, while ensuring the integrity of the process.

### **Objectives**

7. When in receipt of an allegation of research misconduct that crosses institutional boundaries Russell Group members will:
  - Endeavour to ensure that allegations are considered fully, proportionately and fairly;
  - Maintain respectful cooperation and communication between all institutions involved;
  - Be open and transparent while ensuring that legal obligations and duty of care to staff are maintained;

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<sup>1</sup> <http://russellgroup.ac.uk/about/our-universities/>

- Avoid unnecessary duplication;
- Be supportive to enable each institution to meet their responsibilities in respect of reviewing misconduct allegations, as well as the responsibilities they bear as an employer of any individual against whom allegations are being considered;
- Ensure that all individuals involved, affected institutions and relevant research funders are kept apprised of progress, as required.

8. To support this, when allegations arise, members of the Russell Group will:

- Contact the party institution(s);
- Agree from the outset whether it would be most appropriate for a single institutional process, separate processes, or a combination of processes to be followed;
- Where a single institutional process is to be followed, agree what involvement the other institutions will have in the process (for example, providing observers or panel members, approving Terms of Reference of any formal investigation panel);
- Where appropriate, agree a lead institution, with clear lines of responsibility for and within each institution, including contact points;
- Contact relevant funders (at the stage required by the funder) and other third parties who may need to be notified (e.g. regulators, hospital trusts) to inform them of an allegation/investigation;
- Agree clear lines of communication between the institutions for both during and after the review process, including contact points and agreements on relevant data sharing;
- Agree clear lines and points of communication during and after the review process, both to those involved in the process, as well as those affected, such as funders (in accordance with funders' policies), journals and other third parties as necessary. This would include agreeing what information is shared, as well as with and by whom it is shared, prior to any information sharing (with due regard for responsibilities under relevant data protection and employment legislation and any contractual agreements);
- Agree timescales regarding the investigation process as well as agreed points of communication as stated above, including informing the relevant institutions and individuals of any need to extend timelines.

May 2018



## **Annex 4: UCL Third Party Notification Group**

### **Role of the Third Party Notification Group**

1. Research funders are increasingly requiring recipient organisations to provide notice of matters with potential to adversely impact research they support, in particular as this relates to bullying, harassment and misconduct. Examples include: the [Wellcome Trust Policy on bullying and harassment](#); the [CRUK Policy on Dignity at Work in Research](#), and the [BHF's Policy on Bullying and Harassment](#).
2. UCL's Third Party Notification Group has been established to:
  - Provide consistent expert advice and support to the relevant UCL policy owner in the interpretation of, and compliance with, UCL's contractual and regulatory obligations (to notify third parties);
  - Ensure that such notice(s) adhere to UCL's principles of Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance; are GDPR Compliant; and are auditable;
  - Develop mechanisms in support of the above.

### **Terms of Reference of the Third Party Notification Group**

3. The Third Party Notification Group brings together UCL's senior administrative officers to collectively assess and advise upon UCL's contractual and regulatory obligations to provide notice of potential matters of Research Misconduct; Public Interest Disclosure; Fraud; or Bullying and Harassment, to third parties including (but not limited to) Funders, Collaborators / Research Partners, NHS Trusts (or other Sponsor), UCLB, and Professional Bodies etc.
4. The Third Party Notification Group will liaise directly with said third parties to secure written assurances regarding the handling of UCL confidential information, ahead of such information being shared.

### **Composition of the Third Party Notification Group**

5. The Third Party Notification Group will (initially) report to the Research, Innovation and Global Engagement Committee and be chaired by the Director of Research Evaluation, and Director of Strategic Planning (Office for the Vice-Provost (Research, Innovation and Global Engagement), who will in turn consult with the senior UCL policy owner as appropriate as listed below:
  - Matters arising under Research Misconduct Policy: Vice Provost (Research, Innovation and Global Engagement) or Registrar, or their delegate.
  - Matters arising under Fraud Policy: Vice-President (Operations) or Director of Finance and Business Affairs, or their delegate.
  - Matters arising under Public Interest Disclosure Policy: Vice-President (Operations), or their delegate.
  - Matters arising under the Grievance Policy, Disciplinary Policy or Statute 18: Vice-President (Operations) or Director of Human Resources, or their delegate.

6. The Third Party Notification Group will be constituted of:

Core Members	TPNG Responsibilities
Director of Research Evaluation, and Director of Strategic Planning	Chair
Governance Manager: Research Integrity	Representing UCL's Registrar
Director of Legal Services or their delegate	Provision of legal advice in the interpretation of external requirements, statutory obligations and when legal risk is identified; consultation with Data Protection Office; Provision of advice in the drafting of notices; Approval of notice(s)
Director of Employee Relations and Policy or their delegate	Provision of advice in the interpretation of UCL's HR policies; engagement with Legal Services where legal risk identified (e.g. statute 18 or where litigation threatened or has been brought); Provision of advice in the drafting of notices; Approval of notice(s)
Director of Research Services or their delegate	Verification of associated research funding; Assessment of Funders' requirements; Assessment of other contractual obligations; engagement with Legal Services where legal risk identified

5. The Chair may invite additional members relevant to the case as they consider appropriate such as the Investigating Officer; the Director of Research Support (JRO) for clinical research matters.

6. The Third Party Notification Group will be notified at the appropriate point within the relevant procedure (as determined within the associated policy<sup>[1]</sup>), via the dedicated and restricted email address [ucl-research-tpng@ucl.ac.uk](mailto:ucl-research-tpng@ucl.ac.uk). Secretarial support will be provided by Research Services.

#### **Modus Operandi of the Third Party Notification Group**

7. The Third Party Notification Group referral template will require details of:
- The policy under which the matter has been referred e.g. Research Misconduct; Public Interest Disclosure; Fraud; or the Dignity at Work / Grievance Policy.
  - The date of referral.
  - The name and position of the Investigating Officer.
  - The identity of the Respondent - to be shared with core members only.
  - A description of the allegation / complaint.
  - Any known sources of internal and external funding.

- Any known internal and external collaborators.
- Any known other third parties.
- Any known associated information within the public domain.
- The procedural stage (e.g. Screening).
- The procedural stage outcome (e.g. Referral from Screening to Formal Investigation).
- The date of outcome.
- Any mitigating interventions required, planned or implemented (mandatory for cases in which staff have been suspended) as these relate to research activities e.g. temporary transfer of grant holder.

8. The Third Party Notification Group will prepare a Case Notification Plan which will clearly set out:

- All identified parties requiring notice (identification of such parties will require input from the relevant Investigating / Named Officer).
- The relevant policy, contractual obligation or regulatory obligation underpinning such notice e.g. the Funder's Research Misconduct Policy.
- The notice or notices (recognising in some cases may involve numerous third parties, with varying requirements). The drafting of such notice(s) will follow the principles of Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance; and be GDPR Compliant. In cases involving Statute 18 or where any other significant legal risk has been identified, advice should be sought from Legal Services and the Case Notification Plan may include a distinct legal advice section where appropriate. The name of person responsible (to be reached in consultation with relevant stakeholders) for providing such notice (recognising that this will be dependent on the details of the case and the notice recipient), with supporting guidance. Noting, that where possible (and appropriate) formal notification should be limited to a subset of UCL Officers, and will default to the Director of Research Services.

9. Timeliness of communication is pivotal, as such the Third Party Notification Group will seek to consult within three working days of receiving a referral, and seek to produce a Case Notification Plan within 10 working days. For non-complex matters such consultation may be via email. The approach taken by the group should be commensurate with the complexity of the referred case, developing / adopting standardised approaches wherever possible.

10. The Case Notification Plan (and subsequent updates) will be submitted to the Vice Provost (Research, Innovation and Global Engagement), the Vice Provost (Health) (for SLMS matters only) and the relevant Faculty Dean(s) for approval. A record of the plan will be securely held by the Third Party Notification Group secretary.

11. The Case Notification Plan will be updated by the Third Party Notification Group (in response to progress updates by the Investigating Officer) during the course of the Investigation to include status notices. It may also be updated to include additional parties, if these become evident during the course of the investigation.

12. The Third Party Notification Group will provide periodic (pseudonymised) summary reports (frequency TBD) to the Research, Innovation and Global Engagement Committee and to the relevant Policy Owner e.g. summary reports on research misconduct matters will be reported periodically (frequency TBD) to the Registrar.

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[1] Relevant policies and supporting processes will be amended to include the requirement to submit NAG referral at the relevant decision points.

## Annex 5: UCL NHS Trust Partners

The table below lists the contact addresses for the Chief Executive in each of UCL's NHS Trust Partners, who are to be contacted in cases of alleged research misconduct which involve members of UCL staff employed at their respective Trust, to determine the most appropriate colleague to be involved in the initial case meeting to review the matter to determine the Procedure to be followed (see Part C5).

<b>Name of NHS Trust Partner</b>	<b>Contact details for Chief Executive</b>
Barnet and Chase Farm Hospitals NHS Trust	The Ridgeway Enfield Middlesex EN92 8JL
Central North West London NHS Foundation Trust	Central and North West London NHS Foundation Trust Trust Headquarters Stephenson House 75 Hampstead Road, London NW1 7QY
East London Foundation NHS Trust	East London NHS Foundation Trust Headquarters EastONE 22 Commercial Street London E1 6LP
Great Ormond Street Hospital for Children NHS Foundation Trust	Great Ormond Street Hospital for Children NHS Foundation Trust Great Ormond Street London WC1N 3JH
Moorfields Eye Hospital NHS Foundation Trust	Moorfields Eye Hospital NHS Foundation Trust 162 City Road London EC1V 2PD
North Essex Partnership NHS Foundation Trust	North Essex Partnership NHS Foundation Trust Trust Headquarters Stapleford House 103 Stapleford Close Chelmsford Essex CM2 0QX
North Middlesex University Hospital NHS Trust	North Middlesex University Hospital NHS Trust Sterling Way London N18 1QX
Royal Free London NHS Foundation Trust	Royal Free London NHS Foundation Trust Pond Street London NW3 2QG
UCL Hospitals NHS Foundation Trust	Board of Directors University College Hospital 2 <sup>nd</sup> Floor Central 250 Euston Road London NW1 2PG
Whittington Hospital NHS Trust	Whittington Health Magdala Avenue London N19 5NF

## Annex 6: Terms of Reference and Membership of the Research Misconduct Allegations Screening Committee

The Terms of Reference for the Research Misconduct Allegations Screening Committee are to:

1. Conduct Research Misconduct Allegations Screening Panels. Individual Screening Panels will be formed as sub-groups of the Committee, usually made up of three members of the Committee. Individual Screening Panels will:
  - consider the allegations and supporting evidence submitted by the Complainant;
  - consider the evidence and supporting documentation from the Respondent who should be given the opportunity to respond to the allegations, set out his/her case and present evidence;
  - consider any background information relevant to the allegations;
  - where relevant, interview the Complainant, the Respondent, and other relevant parties who might provide relevant information to assist the Panel;
  - determine where expert advice might need to be sought in the event that members have insufficient expertise to determine the outcome or make recommendations;
  - determine, on a *prima facie* basis, whether the allegations of misconduct in research
    - i. are mistaken, frivolous, vexatious and/or malicious; or
    - ii. have some substance but due to a lack of intent to deceive or due to their relatively minor nature, should be addressed through education and training or other non-disciplinary approach rather than through the next stage of the Procedure or other formal proceedings; or
    - iii. are sufficiently serious and have sufficient substance to justify a Formal Investigation; or
    - iv. where the Screening Panel finds no *prima facie* evidence of misconduct in academic research, however there is evidence of potential misconduct that is not research misconduct, that the case should be referred directly to UCL's relevant disciplinary process or another internal process which may include different recommendations in each individual case where there is more than one Respondent;
  - produce a report which considers the allegations of misconduct in research and reaches one of the conclusions above, setting out the evidence on which the conclusion was based;
  - submit its report to the Screening Committee for final approval;
  - aim to complete its work within **45 working days** from its initial consideration of the allegations.
2. Review and approve reports from individual Screening Panels.
3. Receive and review reports from the Named Person on cases dealt with at the Initial Assessment stage, and to keep an overview of all active cases at the screening stage.
4. Report on the Screening Committee's work to UCL Research, Innovation and Global Engagement Committee, in which it will:
  - make recommendations, if necessary, to UCL's Research, Innovation and Global Engagement Committee about any training requirements;
  - inform UCL's Research, Innovation and Global Engagement Committee about any lessons to be learned from its consideration of the allegations;
  - submit minutes of its meetings to UCL's Research, Innovation and Global Engagement Committee;
  - produce an annual report on its work for onward reporting to UCL's Research, Innovation and Global Engagement Committee and UCL's Audit Committee.
5. Keep an overview of the operation of the screening stage of the UCL Research Misconduct Procedure.

## Membership

6. The membership of the Screening Committee comprises:

Chair

Vice-Chair

Two members from each UCL School, nominated by Faculty Deans within each School

Up to two co-opted members (where necessary)

Advisory Team, in attendance:

Registrar and Head of Student and Registry Services

Senior Assistant Registrar (Casework and Governance)

A representative of UCL Human Resources

A representative of UCL Legal Services

Governance Manager: Research Integrity

Governance Support Officer.

7. The Governance Manager: Research Integrity will normally act as Secretary to the Screening Committee.
8. The quorum for meetings of the Screening Committee will be half of its membership.
9. The membership will be approved by UCL's Research, Innovation and Global Engagement Committee (RIGEC) and members will be appointed for a term of up to three years, renewable at the discretion of RIGEC. The Committee will meet on a monthly basis unless it has no allegations to consider.
10. Members appointed to the Screening Committee will make a written declaration that they:
- will adhere to the Principles of the Procedure (see Annex 1);
  - will abide by the Procedure as it affects the work of the Screening Committee ;
  - will declare any links to the research and/or the individuals involved in the allegations or any interests which might conflict with the Principles of the Procedure; and
  - will maintain the confidentiality of the proceedings throughout the work of the Committee and afterwards, unless formally sanctioned by UCL or otherwise required to by law.
11. Membership of the Screening Committee will be published on UCL Student and Registry Services Governance webpages for transparency.

## **Annex 7: Terms of reference and membership of the Investigation Panel**

1. The Terms of Reference for the Investigation Panel are to :
  - consider all relevant information from the Screening Committee as background for the investigation, including the submission and supporting evidence provided by the Complainant, any response and supporting material submitted to the Screening Committee by the Respondent, and the Screening Committee's Report;
  - set an indicative timetable for the investigation, which will be conducted as quickly as possible without compromising the stated Principles of the Procedure;
  - maintain a record of evidence sought and received, and conclusions reached;
  - conduct an assessment of the evidence;
  - hear from the Complainant and such other individuals as the Panel consider relevant to the investigation;
  - call expert witnesses to give advice if necessary and as appropriate but such witnesses do not become members of the Investigation Panel.
  - hold a Formal Hearing [see paragraph C67 above], to hear the Respondent's response to the allegations made;
  - consider the allegations of misconduct in research and reach a conclusion on the allegations with the standard of proof used to reach that decision being "on the balance of probabilities";
  - determine whether the allegations are upheld in full or upheld in part or not upheld. The Investigation Panel may conclude that allegations are not upheld for reasons of being mistaken, frivolous, vexatious and/or malicious;
  - report any further, distinct, instances of misconduct in research by the Respondent which may be disclosed, unconnected to the allegations under investigation and/or misconduct in research by another person or persons, to the Registrar in writing, along with supporting evidence for consideration under the initial steps of the Procedure;
  - aim to reach a unanimous decision, failing which a majority decision will be acceptable;
  - produce and submit to the Registrar a final report setting out the Panel's conclusions on the allegations made and any other issues on which the Panel wishes to comment; and
  - identify any lessons to be learned from its consideration of the allegations to be notified to UCL's Research, Innovation and Global Engagement Committee and any other relevant parties.

### **Membership**

2. The membership of the Investigation Panel will consist of at least three, and always an uneven number of, senior members of staff (internal and/or external to UCL) judged by the Registrar as possessing the relevant skills and experience to serve on such a Panel. The Registrar will also give consideration to ensuring the diversity of the membership on such Panels.
3. It is preferable that one or more members of the Investigation Panel be selected from outside UCL, and one of these members will normally be the Chair of the Panel. Allegations that involve senior staff and/or that are judged to be especially serious, complex or controversial may benefit particularly from a member who is not associated with UCL. There would also be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Investigation Panel an appropriate member of staff from the other employing organisation(s).
4. At least two members of the Panel should have experience in the area of research in which the alleged misconduct has taken place, although they should not be members of the Department (i.e. an academic

unit of UCL established by Council according to Statute 10 (1)) concerned. Where allegations concern highly specialised areas of research the Investigation Panel should have at least one member with specialised knowledge of the field.

5. In selecting members of the Investigation Panel, the Registrar will also consider:
  - the subject matter of the allegations, including whether it would be advantageous for members of the Panel to possess any specialised knowledge or investigative skill;
  - the appropriateness of inviting members from outside UCL to join;
  - any potential conflicts of interest;
  - any potential links with any of the persons involved (Complainant) or Respondent);
  - any personal connections with the subject matter of the allegations;
  - whether a nominee was involved in the work of the Screening Committee, as this excludes such a person from serving on the Investigation Panel; and
  - any connections with the work through, for example, the UCL's groups established to review proposals for research or its ethics committees.
6. A member of UCL Student and Registry Services will normally act as Secretary to an Investigation Panel.
7. The Vice-Provost (Research, Innovation and Global Engagement) may veto nominations for the Investigation Panel, recording the reason for the veto in writing and communicating it to all parties.
8. Both the Complainant and Respondent may raise with the Registrar any concerns that they may have about those chosen to serve on the Investigation Panel, but neither has a right of veto over those nominated. The Registrar will raise any such concerns with the Vice-Provost (Research, Innovation and Global Engagement) as he/she sees fit.
9. Once convened, the membership of the Investigation Panel will not normally be changed or added to (save, for example, where the Panel believes it would benefit from further expertise on the Panel). Members who are not able to continue will not normally be replaced. In the event that the Chair stands down or the membership falls below three, the Registrar will take steps to recruit additional members or re-start the Formal Investigation process.
10. Members appointed to the Investigation Panel will make a written declaration that they:
  - will adhere to the Principles of the Procedure (see Annex 1);
  - will abide by the Procedure as it affects the work of the Investigation Panel;
  - will work within the Terms of Reference for the Investigation Panel;
  - have declared any links to the research and/or the individuals involved in the allegations or any interests which might conflict with the Principles of the Procedure; and
  - will maintain the confidentiality of the proceedings throughout the work of the Panel and afterwards, unless formally sanctioned by UCL or otherwise required to by law.
11. Members of the Investigation Panel will aim to undertake the work of the Panel as quickly as reasonably possible without compromising the Principles of the Procedure (Annex 1).



## **Annex 8: Actions and outcomes**

The conclusion of the Procedure for the investigation of allegations of misconduct in research and actions taken either through UCL's relevant disciplinary process or through other steps to respond to the conclusions reached by the Investigation Panel should take account of the Principles of the Procedure and the matters listed in (1) to (6) below:

### **1. Specialised research**

- 1.1. It is recognised that the subject area of certain cases may be so specialised as to require equally specialised advice as to how to resolve or correct matters arising from the misconduct in research; the recommendations and experience of the Investigation Panel may prove particularly useful if this is the case.

### **2. Support provided to the Complainant**

- 2.1. Where 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 acknowledgment should be given to the Complainant, given that his/her role in the process will most likely have been stressful and, if the Complainant is internal to UCL, may well have caused friction with colleagues. The Registrar should take whatever steps he/she considers necessary to support the reputation of the Complainant.
- 2.2. For example, if the case has received publicity, the Complainant should be offered the possibility of having an official statement release for internal and/or external purposes.

### **3. Support provided to the Respondent**

- 3.1. Where allegations have not been upheld (in full or in part), the Registrar should take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s). Appropriate support and guidance should be given to the Respondent, given that his/her role in the process will most likely have been stressful and may well have caused friction with colleagues.
- 3.2. As above, where the case has received any publicity, the Respondent should be offered the possibility of having an official statement released for internal and/or external purposes.

### **4. Handling frivolous, vexatious and/or malicious allegations**

- 4.1. If the Screening Committee and/or Investigation Panel has found that the Complainant's allegations were frivolous, vexatious and/or malicious, the Registrar may consider recommending that action be taken against the Complainant, under UCL's relevant disciplinary process. In instances where the Complainant is external to UCL, the Registrar may consider informing their employer, where known, that a member of their staff has made frivolous, vexatious and/or malicious allegations against a member of UCL staff, or another appropriate authority.
- 4.2. Those who have made allegations in good faith will not be penalised.

### **5. Other actions that may be required or be considered appropriate**

- 5.1. Following the conclusion of the Procedure, the Investigation Panel may need to recommend additional measures in addition to those that may be taken by way of UCL's disciplinary processes. Examples of potential actions that UCL may consider include:

- retraction/correction of articles in journals;
- withdrawal/repayment of funding;
- notifying patients/patients' doctors of any potential medical issues that may arise;
- notification of misconduct to regulatory bodies (such as the MHRA, the Care Quality Commission, the Home Office [for research involving animals], professional bodies, etc.);
- notifying other employing organisations;
- notifying other organisations involved in the research;
- adding a note of the outcome of the investigation to a researcher's file for any future requests for references; and/or
- review internal management and/or training and/or supervisory procedures for research.

## **6. Publication of outcomes**

- 6.1. Once the Procedure has concluded, UCL will normally publish an anonymous case summary on the UCL Governance webpages when an allegation of research misconduct has been upheld in full or in part at the Formal Investigation stage.

## **Annex 9: Communications and record-keeping**

### **General**

1. In accordance with the principle of integrity, appropriate confidential records should be maintained by the Registrar of all stages of any proceedings under this Procedure.
2. The Secretaries of Screening Panels, the Screening Committee and Investigation Panels should assume responsibility for keeping accurate records of the activities, deliberation and reporting of their respective bodies and pass these records to the Registrar for inclusion in the archive of the case upon the completion of their respective group's work.
3. At the conclusion of the proceedings, the Registrar should retain all such records for a period that accords with UCL's policy. Access to this archive should be limited to appropriate members of UCL Human Resources (in the case of a current or former member of UCL staff), and an appropriate member of Student and Registry Services staff nominated by the Registrar for this purpose.
4. The Registrar is responsible for ensuring the accurate, timely and confidential transfer of information between all parties involved in any of the stages of the Procedure.
5. Upon the conclusion of the Procedure, at whatever stage, the Registrar is responsible for the accurate, timely and confidential transfer of information to any relevant parties, such as UCL's Disciplinary Panel or UCL Human Resources.
6. If UCL's disciplinary process is to be invoked as a result of the outcome of this Procedure, the report of the Investigation Panel should form the basis of evidence that the disciplinary panel receives. In such a case, all of the information relating to the Procedure should be transferred to the disciplinary panel.
7. Depending on the outcome of the Procedure, the Registrar should liaise with the UCL Director of Human Resources to obtain any further relevant information from any relevant parties, such as another organisation's disciplinary panel or human resources department, and add it to the confidential case archive.

### **Communication with involved parties**

8. The Screening Panels, Screening Committee and Investigation Panels should be supported by a member of the Registrar's staff, normally from the Casework and Governance Team in UCL Student and Registry and Services, through whom all documentation and all other communication should be passed. The Panel Secretary will be appointed by the Registrar, in consultation with the Governance Manager: Research Integrity.
9. No direct communication, either written or oral, should take place between the members of either the Screening Panels, Screening Committee or Investigation Panels and either the Respondent, Complainant or any other member(s) of staff concerned outside the formal process, for the duration of the Procedure and any subsequent disciplinary process.
10. Communication, either written or oral, by any party (to include Complainant, Respondent, or any other member(s) of staff) directly with members of either a Screening Panel or the Screening Committee or an Investigation Panel should not be admitted as part of the documentation relating to the case except when it

takes place at the request of the Panel, or at formal meetings called by the Chair of either a Screening Panel or the Screening Committee or an Investigation Panel.

## **Annex 10: Review of the Procedure at UCL**

1. The Registrar will submit annually to the Audit Committee and the Research, Innovation and Global Engagement Committee (RIGEC): (i) a copy of this Procedure with (ii) a report indicating whether any significant issues have arisen in relation to the operation of the Procedure in the preceding twelve months.
2. The RIGEC is responsible for monitoring developments within the UCL research community generally with regard to research governance, disseminating relevant information and ensuring that UCL conforms appropriately. It therefore considers activities undertaken within the remit of this Procedure to ensure that they accord with the stated guidelines. The RIGEC also undertakes periodic reviews as necessary to check that the Procedure continues to (i) conform to external expectations and (ii) be relevant to internal institutional structures. It is therefore charged with updating and enhancing this document as required.
3. From time to time, activities undertaken according to this Procedure may bring to light the fact that certain structures or policies within UCL, particularly those intended to ensure good practice in research, require revision and enhancement. Such matters may be brought to the attention of the RIGEC either as recommendations arising from the report of the Research Misconduct Allegations Screening Committee or Investigation Panel or by the Registrar's annual report on the operation of this Procedure. The RIGEC will take action to review and enhance relevant strategies and protocols.
4. All research institutions are required to publish information annually on investigations conducted into allegations of misconduct in research under their respective Procedure, and lessons learned, to meet the recommendation of the UUK 'Concordat to Support Research Integrity' (October 2019). The statement will be approved by RIGEC prior to its publication.

## Annex 11: Acknowledgements and Bibliography

UCL wishes to acknowledge the use of the following documents:

Department of Health, 2017. *UK Policy Framework for Health and Social Care Research* [online]. [Available at: <https://www.hra.nhs.uk/planning-and-improving-research/policies-standards-legislation/uk-policy-framework-health-social-care-research/>]

King's College London, 2009. *Procedure for investigating and resolving allegations of misconduct in research*.

Research Excellence Framework, 2021. *REF 2021 Guidance on submissions* [online]. Available at: [\[https://www.ref.ac.uk/media/1447/ref-2019\\_01-guidance-on-submissions.pdf\]](https://www.ref.ac.uk/media/1447/ref-2019_01-guidance-on-submissions.pdf)

UK Research Integrity Office (UKRIO) 2008. *Procedure for the investigation of misconduct in research*.

University of Sussex, 2011. *Procedure for the Investigation of Allegations of Misconduct in Research*.

March 2014

Updated wef January 2017

Further updated wef 1 August 2021