

UCL Research Misconduct Procedure

Guidance Note for Respondents

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

Sources of wellbeing support

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

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

Receipt of a complaint

1. How is a complaint of research misconduct made?

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 regulators, professional bodies, funders and journals can bring complaints about alleged misconduct in research (paragraph A8). The person making the allegation (the Complainant) will need to submit their allegation in writing and/or via e-mail to the UCL Registrar (also referred to as the Named Person) and/or the Governance Manager: Research Integrity. This should be accompanied by any supporting evidence that is available to them.

2. What happens next?

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

Initial Assessment Stage

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

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

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

6. What happens when the Registrar informs me of the allegation? The Registrar will hold a confidential meeting with you to outline the Procedure to be followed and the opportunities that you will have to respond to the allegation.

7. Will the Registrar meet with the Complainant at the Initial Assessment stage?

No, the Registrar does not meet with the Complainant at the Initial Assessment stage. The

Registrar's work at the Initial Assessment stage is based on the written complaint they submitted.

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

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

Screening Stage

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

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

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

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

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

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

14. Companion for a meeting

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

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

allegations are sufficiently serious and have sufficient substance to justify a Formal Investigation.

16. Report of the Screening Panel

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

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

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

Formal Investigation Stage

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

20. Formal Investigation Hearing

The Formal Investigation Panel will hold a formal hearing on the allegation to gather additional relevant information. You will have the opportunity to set out your case and respond to the allegation. You are also allowed to ask questions, to present evidence and call witnesses, and that may include the Complainant (paragraph C68). The Complainant will also be given the opportunity to provide evidence at this hearing if the members of the Investigation Panel consider that it may have relevance to the investigation and if he/she has participated in the process to that stage (paragraphs C64 and C69). An audio recording of proceedings of the hearing will normally be made except when the Panel withdraws for private discussions (paragraph C73). The Panel will not reach a decision at this hearing itself. It will make a final decision after any hearings have concluded.

21. Formal Investigation Panel Draft Report

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

22. Formal Investigation Panel Final Report

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

After the process is over

23. Publication of outcomes

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

24. Support provided to you after an outcome is reached

Where the allegations have not been upheld (in full or in part), the Registrar will take such steps he/she considers appropriate to support your reputation and any relevant research project(s). Appropriate support and guidance and acknowledgement will be given to you, given that your role in the process will most likely have been stressful and may have caused friction with colleagues (Annex 8, paragraph 3).

25. Handling frivolous, vexatious and/or malicious allegations

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

Actions after an allegation is made

26. What if the Complainant withdraws their allegation?

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

27. What if I leave UCL?

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

28. What if I admit the alleged misconduct?

Any allegation will continue to be investigated under the Procedure irrespective of you admitting, or having admitted, the alleged misconduct.

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

Where you have left UCL and you do not participate in the screening stage and/or the formal investigation stage of the process, the allegation will be reviewed in your absence (paragraphs C35 and C62).

Any questions

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