

**University of Dundee:
Code of Policy and Procedures
for Investigating and Resolving
Allegations of Misconduct in Research**

Summary of Procedure for Investigating and Resolving Allegations of Research Misconduct

The University is committed to ensuring that all allegations of research misconduct are investigated thoroughly, fairly and expeditiously, and with care and sensitivity. To this end, the procedure for handling allegations of research misconduct is separated into two stages. Firstly, an initial assessment to determine whether there is a prima facie case for an investigation, and secondly a formal investigation to examine and evaluate all the relevant facts, and to determine whether research misconduct has been committed.

Initial Allegation

The initial allegation is reported to the Dean of School.



Assessment

Where the Dean of School considers the matter to be of sufficient seriousness, the matter is reported to the University Secretary.



Formal investigation

Unless the allegation would be subject to instant dismissal or suspension under University procedures, or unless the allegation can be dealt with by informal means, the University Secretary establishes an Investigating Committee, normally comprising three people who have no bias or conflicts of interest in the case, at least one of whom will be a senior academic officer of the University (Vice-Principal, Assistant Vice-Principal, Dean, Associate Dean).



Report of Investigating Committee

The report of the Investigating Committee is submitted to the University Secretary and shared with the respondent.



Appeal

The respondent may appeal against the findings of the Investigation Panel.



Subsequent Action

If the Panel finds the allegation proven, and any subsequent appeal is not upheld, the Principal will determine what action needs to be taken. This action may include the initiation of formal disciplinary proceedings under the University's published disciplinary procedures.

1. Standards of Professional Behaviour in Research

- 1.1 All researchers within the University of Dundee have a duty to society, to their profession, to the University, to those funding their research and, in the case of clinical research, to their patients, to conduct their research in the most conscientious and responsible manner possible. The Nolan Committee on Standards in Public Life identified seven principles which have relevance to best practice in the conduct of research: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Together, these principles provide a foundation for the personal integrity that should be reflected in the professional conduct of research. University staff members in leadership or supervisory positions have an obligation to foster personal integrity in the conduct of staff and students under their direction. They are also responsible for the ethical basis of the research and its funding, and for the safety of all involved in the research process. Many professional associations have ethical codes and guidelines for the conduct of research and University personnel are expected to comply with such standards.
- 1.2 Research misconduct is least likely to arise in an environment where good research practice (e.g. documentation of results, peer review of research, regular discussion and seminars) is encouraged and where there is adequate supervision at all relevant levels. It is a responsibility of School Deans to convey clearly the standards and protocols for research in their departments and relevant areas, and to ensure that adherence to those standards is a matter of course.
- 1.3 All research staff should be made familiar with, and be expected to comply with, the University's Code of Good Practice in Research (Appendix 1) and with guidelines and policies generated by the University Research Ethics and related NHS committees.

2. Definition of Misconduct in Research

- 2.1 All researchers within the University of Dundee are expected to observe high standards of professional behaviour both in the practice and publication of research. Any practice or conduct by a member of the University community that seriously deviates from those ethical standards for proposing, conducting and publishing research constitutes research misconduct and violation of University policy and renders the member liable to the University's disciplinary procedures.

Research misconduct includes, but is not limited to:

1. falsification or fabrication of data, including intentionally misleading or deliberately false reporting of research information;
 2. unacknowledged appropriation of the work of others, including plagiarism, the abuse of confidentiality with respect to unpublished materials, or misappropriation of results, physical materials or other resources;
 3. conduct which seriously deviates from accepted ethical standards in research;
 4. falsification of credentials.
- 2.2 Differences of interpretation or judgement, or honest error, do not constitute research misconduct.

3. Scope

This policy applies to all employees, research students and visiting researchers of the University, including persons with honorary positions, conducting research within, or on behalf of, the University. The policy may also be used where individuals have ceased to be employed by or matriculated with the University.

4. Procedures

4.1 The University is committed to ensuring that all allegations of research misconduct are investigated thoroughly, fairly and expeditiously, and with care and sensitivity. To this end, the procedure for handling allegations of research misconduct is separated into two stages. Firstly, an initial assessment to determine whether there is a prima facie case for an investigation, and secondly a formal investigation to examine and evaluate all the relevant facts, and to determine whether research misconduct has been committed.

4.2 Initial Allegation of Research Misconduct

4.2.1 Any member of the University who believes that an act of research misconduct has occurred or is occurring should in the first instance notify their Dean of School. Where this is not possible because of the personal involvement of the Dean of School, the matter should be raised directly with the University Secretary.

4.2.2 The recipient of the report should undertake an initial assessment of the complaint. Where he or she considers the matter to be of sufficient seriousness, the matter should be reported as soon as possible to the University Secretary. Where the individual raising the matter is dissatisfied with the conclusion reached by the Dean of School, he or she may raise the matter directly with the University Secretary.

4.2.3 All possible steps will be taken to protect the anonymity of any individual reporting suspected misconduct until such time as it is decided that a formal investigation is warranted.

4.2.4 Where a funder requires the University to notify it of allegations of research misconduct at the stage that it is decided to undertake an 'informal inquiry' or 'preliminary investigation' the Dean of School should inform the University Secretary and Research Policy Manager that an initial assessment is being undertaken along with the name of the individual, the link to the funder and the nature of the allegation(s). The University Secretary and/or Research Policy Manager will then notify the relevant funder(s).

4.3 Assessment of whether a formal investigation is warranted

4.3.1 The University Secretary shall assess whether the allegation should result in instant suspension or dismissal in accordance with University procedures, whether the matter can be resolved informally, or whether a formal investigation is warranted. Where necessary, the University Secretary will consult senior academic colleagues in this regard. Where it is determined that formal investigation is required, the University Secretary shall identify any external funding sources for the research which is the subject of the inquiry, and any external collaborators. The University Secretary shall also ask the person making the allegation to submit in writing a detailed statement in support of the allegation. The respondent shall be entitled to seek legal, professional or other advice before responding. The University Secretary may also, at his or her discretion, choose to evaluate anonymous allegations, depending on the seriousness of the issues, the credibility, and the feasibility of confirming the allegation with credible sources. The University Secretary shall notify the Principal.

4.4 Formal Investigation

- 4.4.1 If the allegation is subject to criminal or civil law, or would be subject to instant dismissal or suspension under University procedures, it should be dealt with through the appropriate mechanism. Otherwise, the University Secretary shall establish an Investigating Committee to carry out a formal investigation. The Investigating Committee will normally consist of three people who have no bias or conflicts of interest in the case, at least one of whom will be a senior academic officer of the University (Vice-Principal, Assistant Vice-Principal, Dean, Associate Dean). There will be at least two individuals with expertise relevant to the allegation, one of whom will be a peer professional from outside the University. At the discretion of the University Secretary, additional members may be appointed to ensure that the Committee includes sufficient expertise. Where the alleged misconduct involves a member of staff holding a joint University/NHS appointment, the Chief Executive of NHS Tayside will be invited to nominate an additional member of the Investigating Committee.
- 4.4.2 The purpose of the formal investigation is to examine and evaluate all relevant facts to determine whether research misconduct has been committed, and if so, the responsible person(s) and the seriousness of the misconduct.
- 4.4.3 Where the University Secretary has determined that a formal investigation is required, he or she shall notify appropriate persons including the Principal, the Dean of School, the head of the academic unit, appropriate external funding bodies¹ and other collaborators. (Several Research Councils and research charities have clauses stating that they should be notified of any cases of suspected misconduct and kept informed of developments. At the initial stages of the investigation the funding body would not normally suspend the grant or contract if adequate steps are taken to proceed with the investigation.) In the case of honorary staff, the relevant NHS Trust Chief Executive should be informed that an investigation is taking place. However, it is also essential to limit circulation of details of the allegation strictly to those who have a real interest, and to protect the identity of the potentially innocent respondent.
- 4.4.4 The individual against whom the allegation is made (the respondent) shall be informed in writing by the University Secretary of the allegations, and be invited to respond orally and to produce further written statements or evidence in his or her defence. The respondent shall be given a copy of the University's Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research.
- 4.4.5 The Investigating Committee may:
- (a) examine the statements of the person making the allegation and the respondent
 - (b) interview the respondent and any other parties it chooses, including the initiator;
 - (c) require the respondent - and if it judges it necessary, other members of the University - to produce files, notebooks and other records;
 - (d) widen the scope of its investigation if it considers that necessary;
 - (e) seek evidence from other parties.

Any person who is interviewed by the Panel may choose to bring an accompanying person to the interview.

- 4.4.6 Where possible, the Investigating Committee shall complete its work within 90 days of its establishment and submit a report to the University Secretary. The report should

¹ When an allegation of research misconduct involving United States Public Health Service funds is received the University will notify the U.S. Office of Research Integrity (ORI) and work with the ORI or other appropriate offices of the U.S. Department of Health and Human Services to respond to the research misconduct allegation, consistent with the Statement on Dealing with Allegations of Research Misconduct Under USPHS Research-related Activities for Foreign Institutions (Appendix 2).

state what evidence was reviewed, summarise relevant interviews and draw conclusions as to whether research misconduct has taken place.

- 4.4.7 The respondent and the initiator shall be given copies of the report and evidence considered by the Investigating Committee. Care shall be taken to maintain the anonymity of the initiator and key witnesses. Any comments that the respondent submits within 14 calendar days will be attached as an addendum to the report.

4.5 Appeal

- 4.5.1 The respondent and the initiator shall have the right of appeal against the findings of the Investigating Committee. Any appeal must be addressed to the University Secretary, and normally lodged within 21 calendar days of the findings being made available to the person making the appeal. The appeal will be referred to a senior officer who has not previously had a role in the case, and that person may take such action as he or she deems necessary including, in exceptional circumstances, the instigation of a new investigation. The Principal will notify the respondent in writing of the outcome of the appeal. The decision of the Principal shall be final.

4.6 Subsequent Action

- 4.6.1 If the Investigating Committee has found the allegation proven, in whole or in part, and any appeal has not been upheld, the findings of the Committee shall be reported to the Principal, who shall determine what action needs to be taken. Such action may include:
- (a) conveying the Committee's findings to any relevant professional body (e.g. the General Medical Council), any relevant grant-awarding bodies or any other public body with any interest, and the editors of any journals which have published articles by the person against whom the allegation has been upheld;
 - (b) recommending to the Senate the revoking of any degree or other qualification which had been obtained, in whole or in part, through proven misconduct in research;
 - (c) recommending the initiation of formal disciplinary proceedings, under the University's published disciplinary procedures or other relevant bodies' procedures where that prevails, against the individual against whom the allegation has been upheld. If the University's disciplinary procedures are initiated, the Principal, in consultation with the University Secretary and Director of Human Resources, will determine whether or not the misconduct constitutes good cause for dismissal and hence which route through the University's formal disciplinary procedures is appropriate. Disciplinary proceedings against a matriculated research student would be dealt with in accordance with the provisions of the Code of Discipline as contained in the University Calendar.
- 4.6.2 If the allegation has not been upheld, the University Secretary, in conjunction with other senior officers, will take all appropriate steps to preserve the good reputation of the respondent and to protect the complainant from victimisation. If the case has received any publicity, the respondent shall be offered the possibility of having an official statement released by the University to the press or other relevant parties, or both. If the Panel has found that the initiator's allegation was malicious, the University Secretary may recommend that action be initiated under the University's published disciplinary procedures.

5. Literature Used

The University wishes to acknowledge the use of the following documents:

1. University of Edinburgh, Code of Research Practice
2. CRC Beatson Laboratories, Ethical Conduct of Scientific Research
3. University College London, Procedure for Investigating and Resolving Allegations of Misconduct in Academic Research.
4. University of Manchester, Code of Practice for Dealing with Allegations of Misconduct in Research.
5. MIT, Procedures for Dealing with Academic Misconduct in Research and Scholarship.
6. University of Illinois at Urbana-Champaign, Policy and Procedures on Academic Integrity in Research and Publication.
7. Stanford University, Scientific Misconduct: Policy on Allegations, Investigations and Reporting.
8. Deutsche Forschungsgemeinschaft, Proposals for Safeguarding Good Scientific Practice.
9. National Institutes of Health (NIH), Policies and Procedures Relating to Possible Scientific Misconduct.
10. University of Tennessee, Statement of Policy on Misconduct in Research and Service.
11. The Association of American Medical Colleges (AAMC), Framework for Institutional Policies and Procedures to Deal with Misconduct in Research, and Institutional Considerations in Managing Allegations of Misconduct in Research.
12. University of Maryland at College Park, Procedures for Allegations of Misconduct in Scholarly Work.
13. Medical Research Council, Policy and Procedure for Inquiring into Allegations of Scientific Misconduct.
14. Engineering and Physical Sciences Research Council, Good Practice in Scientific and Engineering Research.
15. BBSRC Statement on Safeguarding Good Scientific Practice, BBSRC
16. Safeguarding Good Scientific Practice: *A joint statement by the Director General of the Research Councils and the Chief Executives of the UK Research Councils, December 1998*
17. The Seven Principles in Public Life – Summary of the Nolan Committee’s First Report on Standards in Public Life. <http://www.official-documents.co.uk/document/parliament/nolan/nolan.htm>.
18. University of Glasgow Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research.
19. The Wellcome Trust, Guidelines on Good Practice in Biomedical Research; Statement on Handling of Allegations of Scientific Misconduct.

Maximum Time Scale of Investigation into Allegation of Research Misconduct

DAY	STAGE OF INVESTIGATION
1	Allegation Reported to Dean of School.
28	Initial assessment by Dean of School.
49	Assessment by University Secretary of whether a formal assessment is warranted and establishment of Investigating Committee.
109	Investigating Committee reports.
130	Appeal by respondent or initiator.
151	Completion of appeal panel investigation.
168	Final decision on action by Principal

Last update to main policy: 10/10/2022

Appendix 1

UNIVERSITY OF DUNDEE RESEARCH GOVERNANCE & POLICY SUB-COMMITTEE CODE OF GOOD PRACTICE IN RESEARCH POLICY No. CGPR/V4/11.15

This Code of Good Practice is consistent with the commitments outlined in the [Concordat to Support Research Integrity](#) (2012).

Professional Standards

The Nolan Committee on Standards in Public Life identified Seven Principles of Public Life, namely, selflessness, integrity, objectivity, accountability, openness, honesty and leadership. University staff are expected to follow these principles. The following are of particular relevance to research:

Honesty

At the heart of all research endeavour, regardless of discipline or institution, is the need for researchers to be honest in respect of their own actions in research and in their responses to the actions of other researchers. This applies to the whole range of research, including experimental design, generating and analysing data, publishing results, and acknowledging the direct and indirect contributions of colleagues, collaborators and others. All individuals in the University's employment must refrain from plagiarism, piracy or the fabrication of results and committing any of these actions is regarded as a serious disciplinary offence.

Openness

While recognising the need for researchers to protect their own research interests in the process of planning their research and obtaining their results, the University encourages researchers to be as open as possible in discussing their work with other researchers and with the public. Once results have been published, where appropriate, the University expects researchers to make available relevant data and materials to others, on request. In addition, where available, the University expects researchers to observe the standards of practice set out in guidelines published by funding bodies, scientific societies and other relevant professional bodies.

Leadership and co-operation in research groups

The culture and tone of procedures within any organisation must be set by individuals in authority. Within the University, it is the responsibility of the Principal, Deans of Schools, heads of academic units and senior staff to ensure that a climate is created which allows research to be conducted in accordance with good research practice and safely. Within a research group, responsibility lies with the group leader. These individuals should create a research environment of mutual co-operation, in which all members of a research team are encouraged to develop their skills and in which the open exchange of research ideas is fostered. They must also ensure that appropriate direction of research and supervision of researchers and research students are provided. Research misconduct is least likely to arise in an environment where good research practice (e.g. documentation of results, peer review of research, regular discussion and seminars) is encouraged and where there is adequate supervision at all relevant levels. It is a responsibility of Deans of Schools and

heads of academic units to convey clearly the standards and protocols for research in their relevant areas, and to ensure that adherence to those standards is a matter of course.

Documenting results and storing primary data

Throughout their work, researchers are required to keep clear and accurate records of the research procedures followed and of the results obtained, including interim results. This is necessary not only as a means of demonstrating proper research practice, but also in case questions are subsequently asked about either the conduct of the research or the results obtained. For similar reasons, copies of data generated in the course of research must be kept securely within the University in paper or electronic form, as appropriate. The University expects such data to be securely held for a period of ten years after the completion of a research project, as required by several Research Councils.

Publishing results

It is usually a condition of research funding that the results are published in an appropriate form, usually papers in refereed journals. This has long been widely accepted as the best system for research results to be reviewed - through the refereeing process - and made available to the research community for verification or replication. The issue of authorship is important in the context of good research practice. In line with the general guidance given by the journal Nature, the University expects anyone listed as an author on a paper to accept personal responsibility for ensuring that they are familiar with the contents of the paper, and that they can identify their contributions to it. The practice of honorary authorship or 'ghost writing' is unacceptable.

Acknowledging the role of collaborators and other participants

In all aspects of research, the contributions of formal collaborators and all others who directly assist or indirectly support the research must be properly acknowledged. This applies to any circumstances in which statements about the research are made, including provision of information about the nature and process of the research, and in publishing the outcome. Failure to acknowledge the contributions of others is regarded as unprofessional conduct. Conversely, collaborators and other contributors carry their share of the responsibility for the research and its outcome.

The needs of new researchers

Researchers who are new to the research community may face particular difficulties. Responsibility for ensuring that students and other new researchers understand good research practice lies with all members of the community, but particularly with heads of academic units and team leaders.

Integrity in submitting research proposals

Principal Investigators should take all reasonable measures to ensure the accuracy and completeness of information which is contained in applications for funding. Applicants should not seek to identify or approach external assessors during the review process.

Integrity in reviewing research proposals and articles submitted for publication

Researchers who act in the capacity of reviewers for grant applications or research articles should treat all information provided to them in the strictest confidence. Where there is a conflict of interest (personal or institutional), or where an individual believes that they do not possess the relevant expertise to comment on a particular proposal or article, researchers should inform the funder or publisher of their concerns and, where appropriate, decline the invitation to act as a reviewer.

Integrity in managing research projects

Principal Investigators should take all reasonable measures to ensure compliance with sponsor, institutional, legal, ethical, safety and moral obligations in managing projects.

Conflict of Interest

Conflicts of interest, whether *perceived* or actual, arise when a researcher's judgement is, or may be, compromised by secondary interests such as financial gain or personal relationships (e.g. with funders, reviewers of grant applications or articles submitted for publication, industry, politicians, family). It is the responsibility of researchers, team leaders, heads of academic units and senior staff to identify and declare any conflict of interest, whether legal, ethical, moral, financial, personal or other nature, so that it does not become a complicating or actionable issue.

The University's Code of Practice on Conflict of Interest Policy is available at:

<http://www.dundee.ac.uk/governance/policies/#!c>

Research Misconduct

The University takes seriously any allegation of research misconduct and has a written procedure for investigating and resolving such allegations. Any member of the University who believes that an act of research misconduct has occurred or is occurring should notify the Dean of School. If, for any reason, this is not possible or appropriate, the individual should contact the University Secretary.

The University's Code of Policy and Procedures for Investigating and Resolving Allegations of Misconduct in Research is available at:

<http://www.dundee.ac.uk/rgp/researchmisconductwhistleblowing/>

Assistance with Interpretation of this Code of Practice



Researchers can seek advice on the interpretation and implementation of this code of practice from Research & Innovation Services and/or the Convenor of the University's Research Governance & Policy Sub-Committee (contact the Research Policy Manager (c.randall@dundee.ac.uk) in the first instance).

Appendix 2

Statement on Dealing with Allegations of Research Misconduct Under United States Public Health Service (USPHS) Research-related Activities for Foreign Institutions.

The **University of Dundee** has incorporated into its policies and procedures the following approach for dealing with and reporting possible research misconduct when USPHS funds are involved.

1. The **University of Dundee** will designate an official to receive allegations and develop procedures for use by research employees or others who wish to make an allegation of research misconduct involving USPHS funds. This designated official will notify the U.S. Office of Research Integrity (ORI) when an allegation of research misconduct involving USPHS funds is received. Phone: (240) 453-8800. Fax: (301) 594-0043. E-mail: askORI@osophs.dhhs.gov.
2. The **University of Dundee** will then work with ORI or other appropriate offices of the U.S. Department of Health and Human Services (HHS) to develop and implement a process for responding to the research misconduct allegation that is consistent with U.S. Federal regulation, 42 CFR Parts 50 and 93.
3. The **University of Dundee** will submit appropriate reports (in English) to ORI that describe the process followed in conducting the investigation, the evidence on which the conclusions of the investigation are based, and if a finding of research misconduct is made, the administrative actions that are taken against the respondent.
4. The **University of Dundee** will inform research employees about the official who is designated to receive allegations and the procedures for the employee or other individuals to make an allegation of research misconduct involving USPHS supported research. This information will also be posted on the organization's web site.
5. The **University of Dundee** certifies that this statement will be a permanent amendment to the institution's procedures for responding to allegations of research misconduct.
6. The **University of Dundee** will submit the "Annual Report on Possible Research Misconduct" to ORI by April 30th of each year. The report is submitted electronically through the ORI web site at <http://ori.hhs.gov>.

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