



Research Misconduct Policy

This document outlines how preliminary investigations into initial allegations/concerns of research conduct should be investigated to determine whether there is a case to answer. If evidence is found that there is a case to answer then Edinburgh Napier's Human Resources (HR) disciplinary procedure should be followed:

<https://staff.napier.ac.uk/services/hr/Documents/Policies/Disciplinary%20Policy%20and%20Procedure%20-%20March%202018.pdf>

1. Introduction

Research should be conducted to the highest levels of integrity, including appropriate research design and frameworks, to ensure that findings are robust and defensible. Researchers should also adhere to the highest level of research ethics, in line with requirements set out by national and international regulatory bodies. In keeping in with this commitment, Edinburgh Napier operates a [code of practice](#). This code sets out the general principles of conduct by which Edinburgh Napier expects research to be carried out at or in the name of Edinburgh Napier.

All members of the University 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 in accordance with this policy and procedure to the Clerk of the University Research Integrity Committee. Members of the University and any other person making an allegation should bear in mind that any allegation is serious and could have major implications for the reputation of a student or a member of staff.

The Research Misconduct Policy should be read in conjunction with [Research Councils UK policy and Guidelines and Governance of Good Research](#) and [UKRIO Procedure for the Investigation of Misconduct in Research](#).

2. General Principles

Research Good Practice

Edinburgh Napier's academic and research staff are expected to uphold research professional standards expected by funding bodies, their profession and the institution. Researchers should be:

- Honest at all stages of the research process, from applying for funding to publishing results and acknowledging work of others
- Open and willing to discuss results and share data with colleagues
- Aware of and adhere to legal and ethical requirements relevant to the area of research
- Ready to participate in (i) training to improve their own skills and (ii) the mentoring of others

- Aware of the types of research misconduct and Edinburgh Napier's policy and procedure for investigation and resolving allegations of misconduct in academic research

Unacceptable Research Conduct

The spectrum of inappropriate behaviour is wide, ranging from minor misdemeanours which may happen occasionally and inadvertently, to significant acts of misappropriation or fabrication. Poor research practices, such as weak procedures, inadequate documentation on procedures, or inadequate record-keeping, might only require further training or development rather than formal disciplinary action, and are normally a matter solely for Edinburgh Napier University.

Unacceptable conduct may include:

Fabrication

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

Falsification

This comprises the inappropriate manipulation and/or selection of data, imagery and/or consents.

Plagiarism

This comprises the misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.

Misrepresentation, including:

- Misrepresentation of data, for example suppression of relevant findings and/or data, or knowingly, recklessly or by gross negligence, presenting a flawed interpretation of data
- Undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication
- Misrepresentation of interests, including failure to declare material interests either of the researcher or of the funders of the research
- Misrepresentation of qualifications and/or experience, including claiming or implying qualifications or experience which are not held
- Misrepresentation of involvement, such as inappropriate claims to authorship and/or attribution of work where there has been no significant contribution, or the denial of authorship where an author has made a significant contribution

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

- Disclosing improperly the identity of individuals or groups involved in research without their consent, or other breach of confidentiality;
- Placing any of those involved in research in danger, whether as subjects, participants or associated individuals, without their prior consent, and without

appropriate safeguards even with consent; this includes reputational danger where that can be anticipated

- Not taking all reasonable care to ensure that the risks and dangers, the broad objectives and the sponsors of the research are known to participants or their legal representatives, to ensure appropriate informed consent is obtained properly, explicitly and transparently
- Not observing legal and reasonable ethical requirements or obligations of care for, human subjects, animal subjects, human organs or tissue used in research, or for the protection of the environment
- Improper conduct in peer review of research proposals or results (including manuscripts submitted for publication); this includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for peer review purposes.

Improper dealing with allegations of misconduct:

- Failing to address possible infringements including attempts to cover up misconduct or reprisals against whistle-blowers
- Failing to deal appropriately with malicious allegations, which should be handled formally as breaches of good conduct.

3. Guidance on procedure and Investigation of Research Misconduct

Allegations should be investigated by the University and proven cases must be notified to any research funder. The University is committed to ensuring that all allegations of misconduct in academic research are investigated as fully, fairly and expeditiously as possible, and with care and sensitivity. In particular the University seeks to ensure that anybody making an allegation of misconduct in research, in good faith, suffers no detriment as a result of having made the allegation.

Initial Allegation of Research Misconduct

Where the act of research misconduct involves staff, visiting staff or research students of the University, the allegation of misconduct will be investigated according to the following procedures (detailed below).

Where the act of research involves undergraduate or taught master's students, the allegation of misconduct will be referred to the appropriate school academic conduct officer to determine how to proceed according to the University's student conduct regulations and procedures.

The Conduct of the Investigations will adhere to the following principles:

Information relating to the identity of the individual or individuals about whom a complaint is made and matters arising from this shall only be divulged to others to the extent that is necessary to conduct a proper investigation. Any individual who takes part in the assessment or the investigation shall keep confidential the matters that have been discussed.

Any individual who is interviewed in the course of the investigation may be accompanied by a friend or representative if they so choose.

In all cases the public presumption of innocence is maintained until the investigation process is complete.

Principles of Investigations

Allegations need to be reviewed with:

Fairness: investigation of any allegations of misconduct in research must be carried out fairly and in accordance with statutory human rights of all parties involved.

Confidentiality: the procedure should be conducted as confidentially as reasonably practicable to protect the complainant, the respondent and others involved in the investigation. **The identity of the complainant or the respondent should not be made known to any third party.**

Integrity: the investigation into an allegation of misconduct in research using the process of screening or formal investigation of the procedure must be fair and comprehensive. The investigation should be conducted expediently although without compromise to the fairness and thoroughness of the process.

Prevention of Detriment: 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 or malicious allegations of misconduct; the position and reputation of those who make allegations of misconduct in research in good faith; the position and reputation of those suspected of, or alleged to have engaged in misconduct.

Balance: 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 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.

4. Stages of Investigation Cases of Misconduct

The procedure for handling allegations of research misconduct

Allegations of research misconduct is separated into two stages, an initial assessment (informal enquiries) to determine whether there is a prima facie case for an investigation; secondly, a formal investigation to examine and evaluate all the relevant facts and determine whether research misconduct has been committed. Where appropriate, the University will take legal advice on implementing these procedures to ensure they comply with all legal obligations.

Upon receipt allegations of misconduct in research, the **named person** should formally acknowledge receipt of the allegation by letter to the complainant (and his/her representative by agreement, in which he/she should advise him/her of the procedure that will be followed.

Initially a **pre – screening** process (to be completed within **10 working days**) should take place to secure all relevant records, material and locations associated with the research in question to establish if the claim has substance and to consider if the following apply:

- Not a breach of the law or beyond the domain of research ethics.
- Not encompassing breaches of the organisation’s regulations such as might require the implementation of the disciplinary process.
- Constituting research activity for which the organisation is the sponsor or for which the organisation has primary responsibility.
- Involving a respondent where the organisation is the primary employer or where it has primary responsibility, agreed with other employing organisations.
- Involving a respondent who is a research student at the University
- Having substance, in that it is not considered at this stage, to be mistaken, frivolous, vexatious and/or malicious.

Informal enquiries

Allegations of poor research conduct will initially be considered through Edinburgh Napier University’s procedures for preliminary informal investigation, as outlined below.

Informal enquires are intended to determine whether there is a prima facie evidence of misconduct in research, which have passed through initial review by the ‘named person’.

The screening panel should:

- Maintain a record of evidence sought and received, and conclusions reached
- Conduct an assessment of the evidence including interviewing, where appropriate, the respondent and complainant and others who the panel consider relevant to the investigation
- Provide a draft report to the organisation’s named person, who will forward it to the respondent and the complainant (and their representatives by agreement) for comment on the factual accuracy of the report
- Only when the report includes errors of fact, as indicated by the respondent and/or the complainant, should the screening panel modify the report. The Chair should judge the validity of such comments and seek the agreement of the panel before making amendments to the panel’s report
- Produce a final report which considers the allegations of misconduct in research and reaches one of the conclusions below
- Aim to complete its work **within 30 days**.

The panel should make a recommendation that the allegations of misconduct in research:

- Should be referred to HR directly for the disciplinary process or other internal process

- Are sufficiently serious and has sufficient substance to justify a formal investigation
- Have some substance but due to lack of intent to deceive or due to their relatively minor nature, should be referred for training/ monitoring or should be referred for training/monitoring or informal professional mentoring on best ethical and research practices.

Panel Members should:

- Ensure that a relatively quick decision can be made on whether the allegation contains sufficient evidence to be taken forward to a full formal investigation; this should be within a specified time.
- Be the responsibility of a trained member of the University Research Integrity Committee, advised where necessary by one or two other colleagues who can be seen as clearly independent of the complainant and of the subject of any complaint
- Where necessary ensure discreet investigations until clear evidence of individual behaviour has been established.
- Provide an opportunity for response by a complainant if the allegation is not accepted and if they believe that they have been misunderstood or key evidence overlooked.

The initial assessment of the allegation of research misconduct should take place within 40 days (including the pre-screening).

Where evidence from the preliminary investigation indicates that unacceptable conduct may have occurred, procedures should then provide for a more detailed formal investigation through the HR defined disciplinary procedure:

<http://staff.napier.ac.uk/services/hr/Documents/Policies/Disciplinary%20Policy%20and%20Procedure.docx>

For further guidance on the procedure and timescales, please refer to UK Research Integrity Office Flowchart of the Procedure, Procedure for the Investigation of Misconduct in Research.

<http://ukrio.org/wp-content/uploads/UKRIO-Procedure-for-the-Investigation-of-Misconduct-in-Research.pdf>

Glossary of Terms

Named Person - A person in a position of seniority with a vested interest in Research integrity matters who can be recognised as an appropriate third party to act as a confidential liaison for any persons wishing to raise concern about research conduct.

Complainant – person who makes an allegation regarding research misconduct or raises concern about integrity of research.

Respondent – person of which the allegation has been made against.

URIC – University Research Integrity Committee

Pre – Screening – initial process to gather all relevant documents related to the case and establish if the allegation has substance.

Informal Investigation – a preliminary investigation to establish if unacceptable conduct may have occurred and determine if there is a case to answer.