

Research Misconduct Policy

June 2023

Aston University Research Misconduct Policy

1. Scope of the Policy

1.1 This Policy assures the University's compliance with its [Research Integrity Policy](#).

1.2 The University is responsible for investigating any concerns raised about the conduct of research undertaken in its name by any of its staff or students, whether current or former, irrespective of who is/was funding or sponsoring the research in question. This Policy may also apply to any person authorised to undertake research in the University or to use University facilities for the purposes of research (such as visiting, emeritus, or honorary staff) and those carrying out research under the supervision/direction of a member of staff employed by the University.

1.3 Where a concern about the conduct of research arises about a current student, this would normally be dealt with under the Regulations on Student Discipline. However, if the alleged conduct affects a published piece of research work or the supervisor is implicated in the complaint/allegation then this Policy would apply.

1.4 When allegations of misconduct in research are raised that include/relate to allegations of bullying/harassment, it will be at the discretion of the organisation to determine whether those allegations are investigated under the research misconduct policy and/or another organisational process.

2. Roles and Responsibilities

The **Pro Vice Chancellor Research** is the Executive Sponsor of this Policy, which has been approved by the University Research Committee.

The **Associate Pro Vice Chancellor Research Integrity** or their nominee oversees the implementation of the Policy.

The **Research Integrity and Governance Manager** or their nominee supports the Associate Pro Vice Chancellor Research Integrity with the implementation of the Policy and is responsible for ensuring that all cases are dealt with in accordance with the processes contained therein. They are responsible for undertaking the initial assessment of allegations of misconduct received and determining whether a formal investigation is required.

The **Research Integrity Officer** co-ordinates the investigation on behalf of the Associate Pro Vice Chancellor Research Integrity and in accordance with the procedures contained within the Policy. They are the point of contact with Complainants, Respondents, Witnesses, and the Panel of Investigation.

The **Panel of Investigation** (hereinafter 'Panel') is responsible for assessing all the evidence provided should a complaint proceed to an investigation and determining whether research misconduct or poor

research practice has been proven and making recommendations including correcting the research record.

A **HR Business Partner** provides guidance on disciplinary processes should the Panel of Investigation recommend that the case proceed to the Staff Disciplinary procedures.

An **Internal Expert** (or experts) can provide specialist advice to the Research Integrity and Governance Manager or their nominee to help them determine whether a case should proceed to investigation. An Internal Expert can provide advice to the Panel if it requires an additional expert opinion.

The **Pro Vice Chancellor Research** will receive requests for an appeal at the end of the process and determine whether an **Appeal Panel** should be convened. The Appeal Panel is convened by the Pro Vice Chancellor Research following a request for an appeal by the Respondent and if the Pro Vice Chancellor Research has determined that there are appropriate grounds for an appeal in accordance with Section 6.3 of this Policy. The Appeal Panel reports its conclusions to the Research Integrity and Governance Manager for matter of official record.

3. Definition of Research Misconduct and Poor Research Practice

3.1 Introduction

The processes in this Policy are designed to investigate concerns about the conduct of research, where conduct is inconsistent with the standards of research integrity identified in the University's Research Integrity Policy. A distinction should be made between research misconduct and poor research practice. Poor research practice needs to be identified and dealt with, usually through training and mentoring. Poor research practice may be reflective of poor supervision or poor leadership of a research group but in some cases poor research practice may be deemed a disciplinary matter.

3.2 Research Misconduct

Research misconduct, as defined in the Universities UK Concordat to Support Research Integrity, is behaviour or actions that fall short of the standards of ethics, research, and scholarship to ensure that the integrity of research is upheld. The Concordat recognises that academic freedom is fundamental to the production of excellent research. This means that responsibility for ensuring that no misconduct occurs rests primarily with individual researchers. For the purposes of this Policy, research misconduct includes, but is not limited to, the following¹:

- a) *Fabrication*: making up results, other outputs (for example, artefacts) or aspects of research, including documentation and participant consent, and presenting and/or recording them as if they were real when proposing, carrying out or reporting the results of research;
- b) *Falsification*: inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents when proposing, carrying out or reporting the results of research;
- c) *Plagiarism*: using other people's ideas, intellectual property, or work (written or otherwise) without appropriate acknowledgement or permission;
- d) *Failure to meet legal, ethical, and professional obligations*, for example:

¹ Definitions largely based on those provided in the Concordat to Support Research Integrity, October 2019.

- i. Not observing legal, ethical and other requirements for human research participants, animal subjects, human organs or tissue used in research, or for the protection of the environment. This includes the decision to begin research without the necessary approvals in place;
 - ii. Breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent;
 - iii. Misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality;
 - iv. Improper conduct in peer review of research proposals, results or 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 purpose;
 - v. Acting deliberately to prevent the appropriate publication of research, which includes withholding data;
 - vi. Mismanagement of data or research materials where this could significantly impact research or research outputs; and
 - vii. Improper use or misuse of research funds, research equipment or premises (whether at Aston University or as a visiting researcher at another site).
- e) *Misrepresentation*, including:
- i. Misrepresentation of data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence, presenting a flawed interpretation of data;
 - ii. Misrepresentation of involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution;
 - iii. Misrepresentation of interests, including failure to declare competing interests of researchers or funders of a study;
 - iv. Misrepresentation of qualifications, experience and/or credentials; and
 - v. Undisclosed duplication of publication (self-plagiarism), including undisclosed duplicate submission of manuscripts for publication.
- f) *Improper dealing with allegations of research misconduct*: failure to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of misconduct includes the inappropriate censoring of parties using legal instruments, such as non-disclosure agreements.
- g) *Repeated or sustained instances of poor research practice, research governance, research management and/or research conduct*, that collectively amount to significant deviation from accepted practice. Typically, but not always, this will be despite prior intervention, education or guidance given by Aston University on its policies and procedures relating to research ethics, research governance and study management. As such, this can therefore be viewed as a choice to act in a manner which goes against procedures and policies in place.

Honest errors and differences in opinion on, for example, research methodology or interpretation do not constitute research misconduct. They may, however, indicate poor research practice.

3.3 Poor Research Practice

For the purposes of this Policy poor research practice includes, but is not limited to, the following:

- a) Honest errors made during the course of research, including reporting of research, or research methodology and interpretation (as noted above) but which have significant impact on the research or research outputs;
- b) Deviation from current accepted practice in carrying out research, and appropriate recognition and acknowledgement of others, where this was not deliberate or negligent and does not fit into any category described above;
- c) Mismanagement of data or research materials where this would not have a significant impact on the research or research outputs; and
- d) Minor breaches of legal requirements or ethical review that are not deliberate or negligent.

Where instances of poor research practice are identified, Aston University expects our researchers to take appropriate steps to mitigate, remedy or correct the record as appropriate (with support as required from the institution). Failure to do so could constitute research misconduct.

4. General Information

4.1 This Policy outlines the procedures to be followed when Aston University is made aware of concerns about the conduct of research (whether they constitute potential/suspected research misconduct or poor research practice) undertaken in the name of the University. It is intended to enable the full and fair investigation of research-related issues and to reach a conclusion about potential/suspected research misconduct or poor research practice. If, at the end of an investigation, research misconduct is found to have occurred, the procedures contained within this Policy may form the investigation element of any disciplinary process or, for former students, the procedures outlined in [Ordinance 2.6](#) to revoke a degree. Reports generated by this Policy may be used in evidence by Aston University's disciplinary procedures or other organisational processes.

4.2 The Pro Vice Chancellor Research is the Executive Sponsor of this Policy, and the Associate Pro Vice Chancellor Research Integrity oversees the implementation of this Policy. If a case is linked to the Associate Pro Vice Chancellor Research Integrity or raises the potential for a conflict of interest for them, the Pro Vice Chancellor Research or their nominee will determine whether there is a conflict and will oversee the process if necessary. The Associate Pro Vice Chancellor Research Integrity will nominate a delegate to act on their behalf when necessary. If a case is linked to the Pro Vice Chancellor Research the Associate Pro Vice Chancellor Research Integrity will assume the responsibilities normally assigned to the Pro Vice Chancellor Research under this Policy and will nominate colleagues as appropriate to fulfil the obligations of this Policy.

4.3 The University is committed to ensuring that allegations/complaints are investigated appropriately, with thoroughness, fairness, and rigour. All proceedings will be conducted under the presumption of innocence, with sensitivity and, as far as is practicable, confidentiality. Those appointed to investigate a concern about the conduct of research must sign a declaration to confirm this.

4.4 The parties to an allegation/complaint are expected to act professionally and with dignity and respect at all times throughout proceedings conducted under this Policy. This includes any parties external to Aston University. Where these standards are not met, the University will take appropriate

steps to manage any concerns which arise (which may include disciplinary proceedings for staff or students at Aston University).

4.5 All allegations will be investigated as confidentially as is reasonably practicable. It should be noted that to allow a Respondent to defend themselves, they will be supplied with all the relevant evidence presented and, as such, the anonymity of complainant(s) and witnesses cannot be guaranteed.

4.6 The making of a frivolous or malicious allegation or the victimisation of anyone involved in a complaint may be considered a serious disciplinary offence.

4.7 At no time, during or after any investigation, should any persons involved in this procedure disclose or make any statements about the case to any third parties, unless formally sanctioned by the University or otherwise required by law. To do so may be considered a serious disciplinary offence.

4.8 Where a third party (for example, funders, collaborative partners, co-authors, journals, regulators, and professional bodies) has a legitimate interest in an investigation the University may notify and liaise with that third party. This would include where a Respondent is a former member of staff but is now an employee of another institution; the University may notify and liaise with that institution to determine the most appropriate process to be followed.

4.9 If required, the University will comply with an investigation into research misconduct led by a legal or regulatory body, which will ordinarily take precedence over this Policy. Investigations under this Policy may continue in parallel but may have to be suspended or terminated by the Pro Vice Chancellor Research.

4.10 The Associate Pro Vice Chancellor Research Integrity or their nominee has the authority to take immediate appropriate action to secure evidence pertinent to an investigation, ensure that any potential danger/illegal activity/risk is prevented or eliminated and to suspend the research or refer the matter to another process, if necessary.

4.11 In circumstances where two parties raise concerns about the conduct of each other, the Associate Pro Vice Chancellor Research Integrity or their nominee will consider how those concerns should most appropriately be managed under this Policy. That might involve the concerns being considered under one process (and if the concerns proceed to the investigation stage, a joint investigation by the same Panel being conducted), with appropriate adjustments made to the procedure.

4.12 This Policy will be reviewed (typically annually) and revised when required/applicable including to reflect any legal and regulatory developments, the requirements of appropriate third parties (such as funders) and good research and sector practice.

5. How to Report Concerns About the Conduct of Research

5.1 Notwithstanding the University's [Whistleblowing Policy](#), all employees and students, including those holding honorary contracts and individuals authorised to work on University premises, have a responsibility to report to the University any concerns about misconduct in research whether this has been witnessed or for which there are reasonable grounds for suspicion. Failure by a member of staff or student to report research misconduct may constitute concealment of research misconduct as defined by 3.2(f) of this Policy.

5.2 Concerns about the conduct of research ("complaint" or "complaints") should be reported in good faith and must be accompanied by supporting evidence that substantiate the concerns. Complaints should be as detailed as possible and only evidence that substantiates the allegations should be

provided. As far as possible, evidence should be in its primary form. If the Complainant does not have access to the evidence this should be indicated in the complaint and details about how the evidence can be obtained supplied.

5.3 Complaints should be reported in writing to Matt Richards, Research Integrity Officer, Main Building, Aston University, Aston Triangle, B4 7ET or by e-mail to research_governance@aston.ac.uk or using the [web form](#) provided.

Allegations which are anonymous or where there is no specific complainant will only be considered at the discretion of the Research Integrity and Governance Manager, considering the seriousness of the concerns raised and the likelihood of confirming the concerns from alternative and credible sources/evidence.

6. Stages of the Procedure for Investigating Allegations of Research Misconduct

The following stages have been adopted from the UK Research Integrity Office recommended procedures for the investigation of misconduct in research. Each stage will be followed through to its natural end point as far as possible, even if any individual(s) concerned leave the jurisdiction of the organisation.

6.1 Receipt of Allegations Stage

6.1.1 The purpose of the Receipt of Allegations Stage is to assess an allegation of research misconduct that has been received to determine the most appropriate process to investigate or otherwise address it. The primary aim is to determine whether the matter falls under this Policy investigating misconduct in research (in terms of both the matter raised and the individuals identified).

6.1.2 The Research Integrity and Governance Manager will carry out this stage of the Procedure, supported by the Research Integrity Officer. They will review the allegation(s) to determine whether they fall within the scope of the University to address and, if so, what would be the most appropriate process to investigate or otherwise address them. As part of their review, the Research Integrity and Governance Manager will ensure that all relevant information and evidence are secured, so they can be accessed as necessary by any investigation conducted under subsequent stages of this Procedure and/or by any other process used to address the allegation(s) in question. This stage of the Procedure should be completed as soon as is practicable, normally within 20 working days, provided that this does not compromise the standards of this Policy and the full and fair investigation of the allegation.

6.1.3 At the conclusion of the Receipt of Allegations stage, the Research Integrity and Governance Manager will determine whether the allegation of misconduct in research:

- a) falls within the scope of another formal process of the University and warrants referral directly to it; or
- b) warrants referral directly to an external organisation, including but not limited to: the research organisation(s) under whose auspices the research in question took place; statutory regulators; or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; or
- c) presents as being related to potential poor practice rather than to misconduct, and therefore the initial approach to addressing the matter will be via education and training or other non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes; or
- d) is sufficiently serious and has sufficient substance to advance to the Investigation stage of this Procedure; or

- e) is unfounded because it is mistaken, frivolous, otherwise without substance, is vexatious or malicious and will be dismissed (and potentially considered as a disciplinary issue for the Complainant(s) if they are employees or students of Aston University).

6.1.4 The Research Integrity and Governance Manager shall write a summary of their review of the allegation(s) and state whether the matter falls within a-d as described above. They shall inform the Complainant of the decision formally and in writing. The Respondent will be similarly informed and supported appropriately. If the Research Integrity and Governance Manager determines that the complaint does not fit within the scope of this Policy, the Complainant has the right to request a review of this decision and can do so via a request in writing to the Associate Pro-Vice Chancellor Research Integrity within 10 working days of being notified of the decision (where there is an exceptional case to be made, the Associate Pro-Vice Chancellor Research Integrity may consider review requests received outside of this timeframe). The Associate Pro-Vice Chancellor Research Integrity may find that there are no grounds for appeal against the original decision, or they may determine that the allegation has substance which permits it to proceed to the Investigation Stage. There is no further right to appeal the decision of the Associate Pro-Vice Chancellor Research Integrity.

6.1.5 The Research Integrity and Governance Manager may also make recommendations, for consideration by the Associate Pro-Vice Chancellor Research Integrity and/or appropriate University authorities, regarding any further action(s) which should be taken by the University and/or other bodies to: address any misconduct the investigation may have found; correct the record of research; and/or address other matters uncovered during the course of the investigation.

6.2 Investigation Stage

6.2.1 The purpose of the Investigation is to review all the relevant evidence and:

- a) conclude whether an allegation of misconduct in research is upheld in full, upheld in part, or not upheld; and
- b) make recommendations, for consideration by the appropriate University authorities, regarding any further action the Investigation Panel (hereinafter “the Panel”) deems necessary to: address any misconduct it may have found (including misconduct unrelated to research); correct the record of research; and/or address other matters uncovered during the course of its work.

6.2.2 The Investigation Stage will normally commence following an instruction to that effect from the Research Integrity and Governance Manager at the conclusion of the Receipt of Allegations Stage to undertake an investigation into the allegation(s). The Associate Pro-Vice Chancellor Research Integrity will establish the Panel. At least one member of the Panel must be external to Aston University and the Panel must have at least three members, none of whom have a Conflict of Interest relative to the case. The Panel will normally reach its conclusions within two months of being established if this does not compromise the standards of this Policy and the full and fair investigation of the allegation. Any delays to this timescale will be explained to the Complainant(s) and Respondent(s) in writing, presenting an estimated revised date of completion.

6.2.3 The Associate Pro-Vice Chancellor Research Integrity will act as Chair of the Panel. In the event of the Chair becoming unable to participate in the Investigation Stage once it is underway, the Research Integrity and Governance Manager will select a new Chair from the members of the Panel and then consider the overall membership of the Panel. The Research Integrity and Governance Manager and/or the Research Integrity Officer will provide administrative support to the panel as

required but will not count towards the minimum panel composition (see 6.2.2) nor will they be voting panel members.

6.2.4 The Respondent(s) and Complainant(s) will be informed of the names of the proposed Investigators and given 5 working days to raise any concerns, in writing, regarding any perceived potential conflict of interest that may prevent the Investigators from acting impartially. The Associate Pro-Vice Chancellor Research Integrity or their nominee will decide whether any changes to the proposed Panel are necessary. Once established, changes to the membership of the Panel can only be allowed in exceptional circumstances and must be authorised by the Associate Pro-Vice Chancellor Research Integrity or their nominee.

6.2.5 Proposed Panel members must declare in writing any potential conflicts of interest that they may have and confirm that they will adhere to the principles of fairness, confidentiality, and integrity prior to being appointed. The Investigators will, where necessary, be required to sign a declaration confirming this.

6.2.6 The Respondent(s) will be given an opportunity to reply, either in writing or orally, to any pertinent written evidence presented to the Panel prior to the panel meeting. If new evidence is presented orally to the Panel at a meeting the Respondent(s) will be given an opportunity to (at their discretion) respond to this either orally at the meeting or in writing by an agreed deadline following the meeting. However, the Respondent(s) will not be present for all parts of the investigation, including when verbal evidence is given by other parties.

6.2.7 The Panel will assess available evidence gathered during the Receipt of Allegations Stage and is permitted to confidentially gather evidence from persons identified as witnesses by the Complainant(s) or Respondent(s), or other potential witnesses or Internal Experts it identifies. The Complainant(s) and Respondent(s) must be interviewed separately, and all persons interviewed have a right to be accompanied to these interviews by a colleague, trade union representative or Human Resources representative. If either the Complainant(s) or Respondent(s) do not wish to be interviewed, they should be asked to engage with the process through other means (such as providing written answers to questions posed by the Panel by a given deadline).

6.2.8 Where it considers it appropriate, the Panel can also widen its investigation to determine if the Respondent(s) has/have committed research misconduct or poor research practice (upheld or subject to complaint) in other research projects, including in terms of records held by the Research Integrity Office.

6.2.9 At the conclusion of the Investigation, the Panel will determine, giving the reasons for its decision and recording any differing views, whether the allegation of misconduct in research is:

- a) is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; or
- b) is unfounded, because it is vexatious and/or malicious, and will be dismissed (and potentially considered as a disciplinary issue for the Complainant(s) if they are employees or students of Aston University); or
- c) warrants referral directly to another formal process of the University; or
- d) warrants referral directly to an external organisation, including but not limited to statutory regulators or professional bodies, the latter being particularly relevant where there are concerns relating to Fitness to Practise; or
- e) has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or

other non-disciplinary approach(es), such as mediation, rather than through the next stage of the Procedure or other formal processes; or

- f) is upheld in full; or
- g) is upheld in part.

6.2.10 The Panel may also make recommendations, for consideration by the Research Integrity and Governance Manager and/or appropriate University authorities, regarding any further action(s) which should be taken by the University and/or other bodies to: address any misconduct the investigation may have found; correct the record of research; and/or address other matters uncovered during the course of the Investigation. The Chair of the Panel will present the case to other University authorities as appropriate, as outlined in Section 4.1 of this Policy.

6.2.11 If the complaint is not upheld the Associate Pro-Vice Chancellor Research Integrity, in conjunction with the relevant Head of College/School/Department, will take such steps as they determine are appropriate, given the seriousness of the complaint, to support the reputation of the Respondent and any relevant research project(s).

6.2.12 The Complainant(s) and Respondent(s) will be informed of the Panel's conclusions and recommended actions in writing. They will also be informed of the options for appeal open to them.

6.2.13 The University will report investigations of research misconduct to funders in accordance with their terms and conditions. Journals will only be notified of findings of research misconduct where appropriate. If the outcome of the investigation establishes that the data that forms the basis for a publication is unreliable the University will require that the publisher is notified.

6.2.14 The University may also report the decision and findings of an investigation into research misconduct to other relevant stakeholders within and outside the University (which may include collaborative partners, co-authors, regulators, and professional bodies, third party employers of the Respondent, etc.). The individuals and organisations to whom/which reports will be made, and the level of information provided, will be considered and determined by the University on a case-by-case basis. A non-exhaustive list of factors which are likely to be relevant to this consideration are: the interests of research integrity; the rights and interests of the Respondent; the rights and interests of any other stakeholders (for example, the Complainant, co-authors and other members of the research group); the public interest; any legal/contractual/regulatory duties owed by the University; and current good research and sector practice.

6.3 Appeals Stage

6.3.1 The purpose of an appeals stage is to permit the Complainant(s) and/or the Respondent(s) to appeal in certain circumstances against the findings of an investigation carried out under this Procedure, in accordance with the requirements of The Concordat to Support Research Integrity. The grounds for appeal are:

- a) There exists a material procedural irregularity which might have affected the outcome of the decision of the Panel; and/or
- b) New material evidence has become available which could not reasonably have been presented to the Panel during the investigation.

The appeal must identify the precise grounds and must be accompanied by any relevant evidence relied upon in support.

6.3.2 The appeal must be made in writing to Pro Vice Chancellor Research within 10 working days of the receipt of the conclusions of the Panel. If the Pro Vice Chancellor Research or their nominee finds there are no grounds for appeal, they will communicate this decision to the Complainant(s)/Respondent(s) and lodge the appeal request and that it has not been upheld with the Research Integrity and Governance Manager for matter of official record. There are no further rights to appeal after this decision has been made.

6.3.3 If the Pro Vice Chancellor Research, or their nominee, determines that the Respondent(s)/Complainant(s) has/have identified appropriate grounds for appeal and that it is necessary and appropriate for an appeal to be conducted, they will establish a Panel of 3 individuals (excluding any party who was involved in the Investigation or who has a conflict of interest with the case), and including one member external to the University, to undertake the appeal. The process for appointing the Appeals Panel should normally be completed within 20 working days of the Pro Vice Chancellor Research receiving the request.

6.3.4 The appeal process will be conducted by way of a review, rather than a re-investigation or re-hearing, of the evidence. The Appeals Panel will be provided with access to the evidence considered by the Panel and may, if it considers it necessary or appropriate, seek further documentary or oral evidence from the Complainant(s), Respondent(s), or relevant witnesses. The Appeals Panel may, but is not required to, interview the Complainant(s), the Respondent(s), and/or relevant witnesses. The Appeals Panel may conduct such further investigations as it considers necessary or appropriate to determine the review. The Appeals Panel will be given 30 working days from the date of receiving details of the case to report its conclusions which should be lodged with the Research Integrity and Governance Manager for matter of official record.

6.3.5 The Appeals Panel may confirm the findings of the Investigation Panel or overturn, or substitute new findings for, the findings of the Investigation Panel. It also has the power to determine that a fresh Panel of Investigation should be appointed to consider the complaint or certain aspects of it.

6.3.6 There is no right of appeal against the decision of the Appeals Panel, and this concludes the procedure under this Policy.

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