

# RESEARCH MISCONDUCT POLICY

Version 1.1

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## Version Control

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	<ul style="list-style-type: none"> <li>• Clarification of procedure to follow for allegations made against staff members with a substantive contract with BCU who are undertaking doctoral studies when such allegations link to their doctoral work</li> <li>• Updated references and links to new Academic Misconduct Procedure</li> <li>• Version control brought to front of document</li> </ul>	26/04/21	Prof Julian Beer

## 1 Introduction

Birmingham City University expects all research to be conducted in accordance with the core elements of research integrity as outlined in The Concordat to Support Research Integrity, namely:

- honesty in all aspects of research;
- rigour in line with prevailing disciplinary norms and standards;
- providing transparent and open communication about research;
- ensuring care and respect for all participants and subjects of research, and;
- ensuring that individuals and organisations are held to account when behaviour falls short of the standards of the Concordat.

The University is responsible for monitoring research practice and for investigating any instances of alleged research misconduct. Any investigations that are undertaken will be done so in a fair, timely and independent manner using existing procedures, namely:

- [Academic Misconduct Procedure](#)
- Staff [Disciplinary Policy](#)

An annual statement concerning investigations into research misconduct will be published in line with the requirements of the Concordat to Support Research Integrity, including comments on institutional learning from incidents of research misconduct.

The University is also committed to protecting its students and staff from malicious accusations and will take action against any individual(s) responsible for such allegations.

This Policy should be read in conjunction with the student contract, the staff Code of Conduct and Code of Good Research Conduct.

This Policy on Research Misconduct will be reviewed by the University Research Committee after 12 months following initial publication, and every three years following that, or sooner where new developments necessitate such a review, where factual clarification is required or changes to operational practices take place.

## 2 Purpose

The purpose of this policy is to:

- Provide definitions of what activities might constitute research misconduct;
- Provide guidance for procedures that should be followed when an allegation of research misconduct is made against a member of BCU (whether student or staff), or someone undertaking research within or for the University.

### 3 Scope

This policy applies to anyone undertaking research within or for the University, including:

- Taught students conducting research as part of their degree programme and their module leaders;
- Research students and their supervisors;
- Members of research staff and their line managers;
- Members of staff with a substantive contract with BCU who are also undertaking doctoral studies part-time;
- Members of professional services staff directly involved in conducting research;
- Consultants and independent contractors who are working on research projects based in, or partnered with, the University, and;
- Those with visitor or emeritus status at the University, including those holding honorary contracts, who are undertaking research at the University, or under its auspices.

In addition, professional services staff who are involved in research support are responsible for ensuring that the researchers they support are made aware of this policy at the outset of projects.

### 4 Definitions of terms

**Complainant** – the person(s) making an allegation of research misconduct

**Respondent** – the person(s) accused of research misconduct

### 5 Definitions of research misconduct

The Concordat to Support Research Integrity summarises the kinds of practices that constitute research misconduct, which include, but are not limited to:

- a) **Fabrication** – The creation of false research data or other outputs linked to research, including study documentation and participant consent, and their presentation as if they were real.
- b) **Falsification** – The inappropriate manipulation or selection of research processes, materials, equipment, data, imagery and / or consents, including omitting data and / or results such that the research is not accurately represented in the research record.
- c) **Plagiarism** – The use of others' ideas, intellectual property or work (written or otherwise, including presentations) without appropriate acknowledgement or permission for use.
- d) Failing to meet legal, ethical and professional obligations linked to research – Including:

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- i. Beginning participant recruitment and / or data collection on a project without first obtaining suitable ethical approval for the research from either a BCU ethics committee or external ethics committee (as appropriate for the research);
  - ii. Not observing appropriate requirements for human research participants, animal subjects, or human organs / tissue used in research;
  - iii. Breach of duty of care to human research participants, for example by not obtaining appropriate informed consent;
  - iv. Any misuse of personal data, such as inappropriate disclosure of participant identity or other breaches of confidentiality;
  - v. Improper conduct on submission of manuscripts for publication, for example by not including all those who contributed to the research and writing processes as authors;
  - vi. Failure to highlight conflicts of interest throughout the research process, from submitting funding bids to publication of results;
  - vii. Any activities that would encourage, or lead to, breaches in the law.
- e) Misrepresentation of:
- i. Data, by suppressing relevant results or knowingly presenting a flawed interpretation of the data;
  - ii. Involvement in work, by failing to acknowledge the contribution of others or making inappropriate claims to authorship;
  - iii. Interests, by failing to declare any competing interests of researchers or funders of a study;
  - iv. Qualifications, credentials or expertise;
  - v. Publication history, including through not disclosing publication, or undisclosed duplicate submission of manuscripts for publication.

## 6 Reporting research misconduct

Allegations of research misconduct can be made in many ways, including:

- from participants who are part of a research project;
- internal allegations;
- and external allegations.

Allegations or concerns about research misconduct against taught students and doctoral students should be raised by contacting **Student Governance**. This includes allegations made against members of staff with a substantive contract at BCU who are undertaking doctoral studies part-time, where the allegations relate to their doctoral work. It may also be necessary to invoke the staff **Disciplinary Policy** if the allegation has wider-reaching implications that may impinge on the staff member's employment.

Allegations of research misconduct against staff members conducting research (including a consultant or independent contractor, or a visitor to the University) should be raised by following the procedure outlined in the staff **Disciplinary Policy**.

If a complainant is unsure whether a suspected incident falls within the definition of research misconduct, they may have a confidential discussion with an appropriate member

of staff in the first instance, as long as that person is not the one thought to be committing the misconduct. Taught students and doctoral students may wish to discuss concerns with their supervisor or course leader. Staff researchers may contact their line manager or Faculty Associate Dean for Research. Alternatively, the University's Research Ethics Officers can act as an appropriate, independent contact point for both students and staff.

If the decision is that the circumstances described by the complainant *do not* meet the definition of research misconduct, appropriate advice will be given for how the complainant should proceed. If the decision is that the circumstances described by the individual *do* meet the definition of research misconduct, they will suggest submission of the allegation formally.

Where allegations of research misconduct are made by a complainant external to the University, that individual or body will be made aware of the University's procedures and of the University's expectation that they will participate in the procedures and comply with their requirements.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and co-operating with any investigation. Complainants must accept that they may be called upon to establish their allegations within the framework and safeguards of the appropriate procedures that are followed. The particular difficulties that respondents face in defending themselves against anonymous allegations will be considered very carefully at the preliminary action stage before proceeding to the formal stage.

If the complainant requests anonymity, the University will make an effort to support this request subject to the requirements of the paragraph above. The University will make careful efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

The University will ensure that those making an allegation in good faith or co-operating in an assessment or investigation into an allegation of misconduct will not be retaliated against in their employment or enrolment at BCU. The complainant shall have an opportunity to present evidence before the investigation and disciplinary panel, to be informed of the results of the investigation, and to be protected from victimisation. The University will take action against individuals who victimise complainants.

## **7 Outline of the stages of investigating allegations of research misconduct**

### **7.1 Acknowledgement of allegation**

Upon receipt of an allegation of research misconduct, the University will acknowledge receipt of the allegation in writing to the complainant, and advise that a preliminary review of their allegation will take place to determine whether the allegation falls within the scope of this policy.

### **7.2 Preliminary review**

The University will consider immediately the allegation to determine whether it falls within the scope of this policy, and whether an investigation is warranted. The preliminary review will

be conducted in line with the **Academic Misconduct Procedure** or the staff **Disciplinary Policy** as appropriate.

In circumstances where an allegation relates to research misconduct that may be placing other members of BCU (either staff or students) or research participants / subjects at risk, a decision may be taken to suspend the student or member of staff concerned pending the outcome of the investigations.

### 7.3 Investigation of research misconduct

The University's normal disciplinary processes will apply as set out below. However, in recognition of the need for technical expertise, the panel carrying out the investigation will include someone with appropriate expertise in the relevant field of research.

#### 7.3.1 Taught students

Allegations of research misconduct against taught students will be dealt with through the **Academic Misconduct Procedure**, and will be classified as Academic Misconduct.

#### 7.3.2 Doctoral students

Allegations of research misconduct against doctoral students will be dealt with through the **Academic Misconduct Procedure**, and will be classified as Academic Misconduct. This includes:

- Doctoral students;
- Graduate Research Teaching Assistants;
- Staff members with a substantive contract with BCU who are undertaking doctoral studies part-time, where the allegation relates to their doctoral work. It may also be necessary to invoke the staff **Disciplinary Policy** if the allegation has wider reaching implications that impinge on the staff member's employment.

The panel leading the investigation will include at least one member with appropriate knowledge and experience of research practice, in order to understand the nature of research misconduct for a given investigation.

A doctoral student's supervisory team will be informed if one of their students is facing an allegation of research misconduct.

#### 7.3.3 Staff

Allegations of research misconduct against a member of staff (including a consultant or independent contractor, or a visitor to the University) conducting research will be investigated in line with the staff **Disciplinary Policy**.

The panel leading the investigation will include at least one member with appropriate knowledge and experience of research practice, in order to understand the nature of research misconduct for a given investigation.

## 8 Outcomes of investigations

### 8.1 Informal resolution

If the situation is deemed to not be serious, then it might be resolved by informal discussion or other actions without the need for formal investigation. Such actions that might be taken may include (but are not limited to):

- a requirement to resit assessments for taught modules;
- a requirement to attend additional training or teaching sessions;
- making appropriate amendments to ethics applications for ongoing research.

### 8.2 Sanctions

If the outcome of the investigation is that the alleged misconduct is substantiated by the findings, the panel will determine appropriate sanction(s) and impose this/these on the respondent(s).

For taught students and doctoral students, please refer to the University's **Academic Misconduct Procedure** for details of possible sanctions. These sanctions will also apply to substantiated allegations against members of staff with a substantive contract with BCU who are undertaking doctoral studies part-time that are related to their doctoral work.

For staff members conducting research (including a consultant or independent contractor, or a visitor to the University), please refer to the staff **Disciplinary Policy** for details of possible sanctions. These sanctions may also apply to substantiated allegations against members of staff with a substantive contract with BCU who are undertaking doctoral studies part-time that are related to their doctoral work, where such allegations also impinge on their employment.

### 8.3 Restoration of reputations

The University will take all reasonable action to restore the reputation of the respondent if the respondent is not found guilty of research misconduct and will consult the respondent to ensure that appropriate publicity is given to this outcome.

### 8.4 Investigating malicious complaints

Where the outcome of a preliminary review, disciplinary hearing or appeal stage indicates that an allegation has not been made in good faith, the University may pursue disciplinary action against an internal complainant and action as appropriate against an external complainant.

## 9 Appeals

Individuals will have the right of appeal against the outcome of the disciplinary panel in accordance with the University's appeals procedures as outlined in the relevant policies (**Academic Misconduct Procedure** and staff **Disciplinary Policy**).



## 10 References

This policy has been informed by:

- [Concordat to Support Research Integrity \(2019\)](#)
- [UKRIO Procedure for the Investigation of Misconduct in Research](#)

Relevant BCU policies:

- [Academic Misconduct Procedure](#)
- [Disciplinary Policy \(staff\)](#)
- [Staff Code of Conduct](#)
- [Student Contract](#)
- Code of Good Research Conduct