# RESEARCH MISCONDUCT POLICY AND PROCEDURE

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| Author | Research Department (Colin Kirkpatrick) |
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**THE GLASGOW SCHOOL OF ART**

**RESEARCH MISCONDUCT POLICY AND PROCEDURE**

## 1. Introduction

1.1. The Glasgow School of Art (GSA) is committed to ensuring that research undertaken under its auspices is conducted with integrity and rigour, within a research culture in which researchers are encouraged and supported to understand and meet relevant ethical, legal and professional standards. Behaviours or actions that fall short of expected standards may constitute research misconduct, and it is incumbent on GSA to investigate any instances of potential research misconduct and take appropriate corrective action in a manner that is fair, consistent, transparent and accurate.

## 2. Scope

2.1. This Research Misconduct Policy and Procedure describes how any investigation into suspected research misconduct at GSA should be undertaken.

2.2. It applies to any person undertaking research under the auspices of GSA. This includes employees, visiting workers, emeritus and/or honorary staff, independent consultants contracted by GSA to undertake research, postgraduate research students (PhD, MPhil and MRes) and visiting postgraduate research students. There is scope for it to be applied to former members of staff and students if necessary.

2.3. The policy applies to activities which meet the REF2021 definition of research ('a process of investigation, leading to new insights, effectively shared'), whether conducted solely or with others within or beyond GSA. All modes and fields of academic research undertaken at GSA are within its scope, including research involving creative practice. Research misconduct can apply at any point in the research process, from preparatory stages to the dissemination of results. In many cases, work relating to or derived from research or involving a research element — such as knowledge exchange or innovation-focused projects — will also be governed by this policy, to be determined by the Named Person at the appropriate stage of an investigation. The policy does not only apply to funded research activities.

2.4. The Research Misconduct Policy and Procedure is an investigative process, not a disciplinary process. Its primary functions are to uphold standards, safeguard those involved in research and maintain the quality and reliability of work produced at GSA. Outcomes of the misconduct procedure could, however, include recommended referral to the Staff Disciplinary or Student Misconduct Procedures or other institutional processes, and reports generated through this policy may be provided as evidence for such processes. Subject to data protection and confidentiality considerations, reports may also be provided to appropriate external organisations.

2.5. Aspects of this policy and procedure are adapted from the UK Research Integrity Office template Procedure for the Investigation of Misconduct in Research (2023)[1]; and the Concordat to Support Research Integrity (2019)[2] .

## 3. Principles

3.1. Misconduct is a serious and often complex matter, the investigation of which must be undertaken fairly, thoroughly and in a consistent and transparent manner. Investigations should be impartial and extensive enough to allow investigators to reach a reasoned judgement. Those giving evidence must do so honestly and objectively. If anyone involved in an investigation believes they have a conflict of interest, they must declare it.

3.2. A full investigation should establish, on the balance of probabilities, the truth of any allegations. That means that the activity was more likely than not to have occurred.

3.3. Allegations should be acknowledged and investigations undertaken as quickly as possible, without compromising a full and fair enquiry. Because investigations may be complex, timescales indicated within this policy are advisory and not binding, but those under investigation or who have raised allegations must be kept informed and provided with a revised schedule should extensions be necessary.

3.4. Anybody who is the subject of allegations of research misconduct must be given full details at the appropriate stage, and an opportunity to respond, ask questions, submit evidence in their defence, suggest witnesses and raise points about evidence given by witnesses.

3.5. Anyone accused of research misconduct is entitled to the presumption of innocence.

3.6. To protect all parties, it is essential that the investigation should be as confidential as is reasonably practicable, without compromising the investigation or safety of research participants. During the procedure, the identities of those under investigation and those raising allegations should not normally be revealed to any third parties by anyone involved in the investigation unless required by law. Any necessary disclosure to a third party should be made on a confidential basis. If there is a contractual obligation to inform a third party, such as a research funder, this should be done at the appropriate time.

3.7. GSA must take all reasonable steps to ensure that those accused of misconduct (or any other parties) do not suffer due to unconfirmed or unproven allegations. Care must be taken to protect the reputation of individuals when frivolous, vexatious or malicious allegations are made against them. Similarly, the reputation of those who raise allegations in good faith should not be harmed, even when misconduct is subsequently found not to have taken place.

3.8. Those conducting this procedure should do so in a way that retains the confidence of both the complainant and the respondent.

3.9. Anybody interviewed during an investigation has the right to be accompanied by a colleague, trade union or (in the case of research students) student representative. An interviewee may also be accompanied by an additional person if they require assistance because they have a disability (in accordance with the Equality Act), or by someone to assist with communication if the interviewee is not fluent in English.

[1] https://ukrio.org/ukrio-resources/publications/misconduct-investigation-procedure/
[2] https://www.universitiesuk.ac.uk/topics/research-and-innovation/concordat-support-research-integrity

3.10. Reasonable adjustments should also be made as required to ensure that anyone else involved in an investigation is able to fully participate in the procedure if they have a disability (in accordance with the Equality Act).

3.11. Where allegations concern any equality, diversity or inclusion issues, those carrying out the procedure must have relevant experience and/or training in dealing with such matters.

3.12. Staff involved in managing or undertaking investigations must have received training in the avoidance of bias.

3.13. Research misconduct matters can be difficult for all parties. GSA should consider how best to support their health and well-being at all stages of the procedure.

3.14. Confidential records should be maintained on all aspects and during all stages of the procedure, and managed appropriately.

3.15. Those responsible for carrying out the procedure must be aware that at times it will be necessary to strike a balance in the application of the principles in order for there to be a thorough and fair investigation. The Named Person is responsible for resolving any such tensions or conflicts.

3.16. Respondents must provide any evidence relating to the allegation to those undertaking the investigation as requested. Failure to provide requested evidence may be considered as obstructive to the Procedure.

## 4. Definition of Research Misconduct

4.1. The explanation of research misconduct in this section is closely based on that provided in the Concordat to Support Research Integrity (2019).

4.2. The Concordat states that '*Research Misconduct is characterised as behaviours or actions that fall short of the standards of ethics, research and scholarship required to ensure that the integrity of research is upheld. It can cause harm to people and the environment, wastes resources, undermines the research record and damages the credibility of research*'.

4.3. Research misconduct includes (but is not limited to):

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

b. **falsification**: inappropriately manipulating and/or selecting research processes, materials, data, imagery and/or consents

c. **plagiarism**: using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission

d. **failure to meet legal, ethical and professional obligations**, for example:

i. not observing legal, ethical and other requirements for human research participants, animal subjects, or for the protection of the environment

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; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for the purposes of peer review

e. **misrepresentation** of:

i. *data*, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data

ii. *involvement*, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution

iii. *interests*, including failure to declare competing interests of researchers or funders of a study

iv. *qualifications*, experience and/or credentials

v. *publication history*, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication

f. **improper dealing with allegations of misconduct**: failing to address possible infringements, such as attempts to cover up misconduct or reprisals against whistle blowers, inappropriate censoring of parties or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding; malicious reporting of alleged misconduct when it is known that none occurred would itself be a form of misconduct.

4.4. Misconduct in research includes acts of omission as well as acts of commission.

4.5. The following are not considered to be research misconduct: unintentional errors (which are not due to negligence); differences in opinions about or interpretations of research; presenting views that are controversial or unpopular; disagreements about co-authorship prior to submission of research outputs for publication or dissemination.

4.6. Questionable research practices and other unsatisfactory actions which fall short of misconduct may or may not be the subject of the misconduct procedure depending on their severity and the extent to which an investigation is necessary to confirm what has occurred and its extent. This will be determined by the Named Person at the appropriate stage. Refer to the Code of Good Conduct in Research for guidance on questionable research practices.

## 5. Roles and Responsibilities

5.1. The **Complainant** is the person making an allegation of misconduct in research against one or more Respondents

5.2. The **Respondent** is the person against whom allegations of misconduct in research have been made.

5.3. **Named Person**. A senior member of staff with decision-making authority, who receives allegations of misconduct, undertakes an initial screening, decides whether the allegation should proceed to investigation, appoints investigators or investigation panels, receives investigators' reports and takes key decisions, including final outcomes. At GSA, this shall be the Head of Research.

5.4. **Alternate Named Person**. A senior member of staff with decision-making authority who receives and manages appeals, and acts as Named Person when the Named Person cannot (e.g. due to absence, conflict of interest). At GSA, this shall be the Deputy Director Research & Innovation.

5.5. **Research Integrity Officer**. Responsible for research integrity and misconduct matters, supports and advises Named Person, Alternate Named Person and investigators, undertakes reporting on Integrity, including producing annual report to Research Committee, senior leadership and Board of Governors, for Named Person. At GSA, this shall be Head of Research Support Services.

5.6. **Investigator** - Initial Investigation Stage. Appointed by Named Person to investigate specific allegation of misconduct. Must be an experienced academic. Responsible for gathering information, potentially undertaking interviews, maintaining records, reporting on conclusions/recommendations. At GSA, a single investigator shall be appointed except in exceptional circumstances. At GSA, this shall be a Research Lead, a Senior Researcher or equivalent or Head of Doctoral Studies.

5.7. **Investigation Panel** (3 people) - Full Investigation Stage. Appointed by the Named Person. Must include an experienced academic and one external appointee. Responsible for undertaking full investigation, including reviewing documentation and conducting interviews, reaching consensus, reporting conclusions and recommendations to Named Person, maintaining records. At GSA, the lead investigator shall be a Research Lead, a Senior Researcher or equivalent or Head of Doctoral Studies. They shall be assisted by another GSA academic who has received relevant training, and an external panellist with relevant expertise (a roster of potential external panellists shall be maintained, plus an associated employment/payment procedure). By exception, if it is not possible to confirm an external panellist without significantly delaying the process, then the Named Person may appoint another suitable panellist from GSA.

5.8. **Appeals Panel** (3 people) - appointed by Alternate Named Person. Should include an experienced academic and one external appointee. Responsible for reviewing the investigation to date and relevant materials. Recommends whether to uphold, modify or reject misconduct findings. Provides report to Alternate Named Person. Staffing as for Investigation Panels.

5.9. **Designated Person** (in each case). Given responsibility for overseeing or carrying out informal resolution measures, working with the Research Integrity Officer. Ensures measures completed, maintains documentation, identifies learning points.

5.10. **Administrative** and **Other Support** roles provide assistance to the Named Person, Research Integrity Officer and investigators as required, including providing advice on specific aspects of investigations.

5.11. Before commencing work on an investigation, anyone appointed as an Investigator/Panellist will confirm to the Named Person in writing that: their participation involves no conflict of

interest; they will abide by the Procedure; and they will respect the confidentiality of the proceedings.

5.12. Anybody tasked with conducting and supporting Initial Investigations and Full Investigations shall be free to seek confidential advice from people with relevant expertise, within or beyond GSA – for example, experts in research fields, experts in ethics and misconduct, legal advisers, or colleagues in other departments such as HR or Finance. Technical tools for assessing actions such as plagiarism and data manipulation may also be used. Those consulted will be subject to the same requirements on confidentiality as others involved in the process; information should be shared in a way that preserves confidentiality as far as possible.

5.13. In the event of an Investigator/Panellist/Panel Chair becoming unable to participate in the investigation once it is underway, the Named Person will determine whether a new person should be selected to take on the role and continue the investigation from its current point, whether the investigation can continue with just the remaining panellists or if the process should be restarted.

5.14. The respondent and/or complainant may raise any concerns that they have about the choice of Investigators or Panellists but neither has a right of veto. The Named Person will consider any concerns and whether a replacement should be selected.

## 6. Investigation Process

6.1. The investigation process consists of the following stages:

a. the **Receipt of Allegations** stage, by which complainants formally notify GSA of a case of suspected research misconduct

b. the **Screening** stage, to determine the most appropriate response to an allegation (but not to investigate it)

c. the **Initial Investigation** stage, to either determine conclusions, outcomes and next steps; or establish the rationale for a Full Investigation

d. the **Full Investigation** stage, to undertake a further, thorough investigation and determine conclusions and next steps.

e. the **Outcomes and Reporting** stage, to ensure that any necessary actions are carried out after an investigation is completed

f. the **Appeals** stage, to review the findings and conclusions of the investigation, if requested by the respondent or complainant and certain conditions are met.

Please see the Flowchart in Appendix 3 for an overview of the full investigation procedure.

6.2. GSA will follow this Procedure through to its natural end point as far as possible even if those concerned leave GSA, withdraw allegations, admit to allegations or other misconduct or cease to cooperate with the investigation.

6.3. If at any stage, a respondent or anyone else raises a counter-allegation of research misconduct, they will be addressed under this Procedure as separate matters.

6.4. If at any stage any person raises a complaint or grievance about the implementation of the Procedure or any decision or action proposed or taken, the Named Person will seek the advice of HR or other relevant departments, in confidence, to determine an appropriate course of action.

6.5. At any point in the investigation, where allegations are of a serious nature, the Named Person may recommend suspension of a member of staff or student who is the subject of an investigation, or suspend their access to GSA premises and facilities, in accordance with the relevant existing institutional policies and procedures, which should be followed to determine whether such recommendations should be acted upon. The rationale would be to prevent clear risk of harm to staff or other people, and/or to protect evidence at risk of being destroyed. Any such decisions should only be taken as approved by the Director or a Deputy Director of GSA and in consultation with HR. In such cases (while an investigation is ongoing) it should be made clear that the measures taken do not constitute disciplinary action or confirmation that an allegation has been upheld.

6.6. GSA will ensure arrangements are in place for collaboration with other organisations over investigations where appropriate.

## 7. Submission of Allegations

7.1. A person making an allegation or complaint will not be penalised, provided that they do so without malice and in good faith, reasonably believing it to be true.

7.2. Anyone may raise a concern relating to research misconduct – not only employees or students of GSA. The complainant may first attempt to address the issue informally, but if they do not consider that appropriate or are unsatisfied with the outcome, they should raise concerns via this Procedure.

7.3. Initial allegations of misconduct in research should be made as set out in this Procedure. The complainant should provide as detailed a statement as possible in writing in support of the allegation, using the Allegation of Research Misconduct form provided as Appendix 2 to this Procedure. The form should be submitted to the email address indicated on the form, along with any other information or evidence to support the complainant's concerns. It is helpful if allegations are made in a single submission, but additional information may be requested at the Named Person's discretion to support the Screening stage.

7.4. Complainants are encouraged to report their concerns to the Named Person, but members of staff or students who fear that their own position could be jeopardised if they raise a concern directly may instead choose to follow GSA's Public Interest Disclosure (Whistleblowing) Policy, requesting that the matter is brought forward on their behalf.

## 8. Screening stage

8.1. **PURPOSE**: the purpose of the Screening Stage is to determine the most appropriate process to investigate an allegation of research misconduct or otherwise address it, including whether the matter falls under the scope of this Procedure. Its aim is NOT to investigate the substance of the matter raised.

8.2. **CONDUCTED BY**: the Named Person, supported by the Research Integrity Officer.

8.3. If the Named Person identifies a conflict of interest, they will instead refer the allegation to their Alternate Named Person who will notify the Complainant and assume the role of the Named Person.

8.4. The Named Person will inform the Research Integrity Officer in confidence that an allegation has been received and, where appropriate, will seek the advice of HR and/or other departments.

8.5. The Named Person will acknowledge receipt at an early stage of an allegation by the complainant (who should not be identified) in writing, informing them it will be considered initially under the Screening stage. A copy of the Procedure will be provided to the complainant.

8.6. The Named Person will assess whether allegations are GSA's responsibility to address and, if so, the most appropriate process to do so, taking into account:

a) whether the respondent(s) conducted the research under the auspices of GSA, whether solely or with others in GSA or externally;

b) whether the allegation(s) potentially fall within the definition of research misconduct.

8.7. The Named Person shall consider the information provided and any additional information they require to form a conclusion, and may contact the complainant and/or the respondent in writing to seek information or ask questions. If it is necessary to contact the respondent at this stage, they should first be informed that allegation(s) of research misconduct have been made concerning them (see 8.14) and that the allegation(s) is being assessed to determine what if any action should be taken.

8.8. The Named Person will also determine whether the allegation(s) and/or the research in question necessitate immediate action to prevent risk or harm to staff, research participants, other persons, animals or the environment. If so, then the Named Person will take appropriate action to address any such risk, in consultation with relevant GSA departments as necessary (see also 6.5).

8.9. The Named Person will also determine whether the research in question requires GSA to undertake any steps in the event of an allegation of research misconduct being made, and ensure that such obligations are carried out (such as reporting to a regulatory or a funding body).

8.10. Allegations raised which are anonymous, or matters identified where there is no specific complainant, will be considered at the discretion of the Named Person, taking into account the seriousness of the concerns raised and the likelihood of confirming the concerns from alternative sources/ evidence. Where appropriate, advice will be sought, and consideration given to whether the respondent will be able to defend themselves.

8.11. **POSSIBLE OUTCOMES**: at the conclusion of the Screening stage, the Named Person will determine whether the allegation of misconduct in research:

a) falls under the definition of research misconduct and the scope of the Procedure and should advance to the Initial Investigation Stage;

b) falls within the scope of another formal process of GSA and warrants referral directly to it; or

c) warrants referral directly to an external organisation, including but not limited to another research organisation under whose auspices the research in question took place; statutory regulators; or professional bodies; or

d) presents as being related to potential poor practice rather than to misconduct, and therefore should initially be addressed via informal measures, such as education and training, mediation or another non-disciplinary approach, rather than through the next stage of the Procedure or other formal processes; or

e) should be dismissed because it does not fall under the remit of the Procedure and does not need to be referred elsewhere;

it may be the case that more than one course of action needs to be followed.

8.12. **TIMESCALE**: this stage of the Procedure should be completed as soon as is practicable upon receipt of an allegation, if possible within ten working days.

8.13. **CONCLUSION OF THIS STAGE AND NEXT STEPS**: The Named Person shall write a note summarising their assessment of the allegation(s) and inform other organisational contacts of the next steps as appropriate.

8.14. Where it is determined that the allegation should proceed to the initial investigation, the Named Person will inform the respondent formally and in writing, that:

a) an allegation of misconduct in research has been made which involves them.

b) it has been determined that the matter has sufficient substance and falls under this Procedure and therefore will proceed to the 'Initial Investigation' stage.

c) they will be allowed to respond to the allegation(s) and set out their case.

The notification should include: a summary of the allegation(s); a copy of the Procedure; the conclusions of the initial assessment of the allegation(s); and an outline of the next steps and anticipated timescales.

8.15. When allegations have been made against more than one respondent, the Named Person should inform each individual separately and not divulge the identity of any other respondent.

8.16. For all other outcomes, the Procedure reaches its endpoint and the appropriate follow up action is taken.

8.17. The Named Person will then inform the Complainant, formally and in writing, of the conclusions of the review of the allegation(s) and an outline of the next steps.

8.18. The Screening stage now ends.

## 9. Initial Investigation stage

9.1. **PURPOSE**: the purpose of the Initial Investigation Stage is to determine whether there is sufficient evidence of research misconduct to either necessitate a Full Investigation, or whether alternative action(s) should be taken.

9.2. The Named Person will appoint an individual ('the Investigator') to undertake an Initial Investigation into the allegation(s). Administrative and other assistance will be arranged as necessary. The Investigator will confirm to the Named Person in writing that: their

participation involves no conflict of interest; they will abide by the Procedure; and they will respect the confidentiality of the proceedings. The Investigator will then normally aim to complete the Initial Investigation Stage within 30 working days.

9.3. The Investigator will be provided with all relevant correspondence and information already provided in support of the allegation(s). Good records of the evidence received and of the proceedings should be kept by the Investigator and those supporting them.

9.4. The Investigator will contact the complainant and the respondent to gather further information in support of their investigation. The Investigator will seek to: determine whether the allegation is made in good faith; confidentially review and assess the evidence obtained; and reach an initial conclusion on the allegation(s) in line with the possible outcomes set out below (9.6). Both the complainant and respondent should have the opportunity to provide input into the investigation whether in writing or by interview. The respondent will be allowed to respond to the allegations made against them.

9.5. The Investigator may also contact relevant witnesses suggested by the complainant or respondent, and seek confidential advice from persons with relevant expertise (see 5.12).

9.6. **POSSIBLE OUTCOMES**: after the Initial Investigation Stage, the Investigator will determine whether the allegation of misconduct in research:

a) is sufficiently serious and has sufficient substance to warrant a Full Investigation of the complaint; or

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

c) warrants referral directly to another formal process of GSA; or

d) warrants referral directly to an external organisation; or

e) is unfounded, because it is mistaken or is frivolous or is otherwise without substance (this could include difference of opinion on methodology), and will be dismissed; or

f) is unfounded, because it is vexatious and/or malicious, and will be dismissed.

9.7. Where the complainant has raised an allegation relating to a large body of work that would require additional time or resources in order to reach a robust conclusion on the allegation advice should be sought from the Named Person on how to best approach this.

9.8. **CONCLUSION OF THIS STAGE AND NEXT STEPS**: The Investigator shall write a report of (where relevant, for each allegation) the outcome as set out in 9.6.

9.9. A summary of the findings will be sent to the complainant and the respondent for comment on matters of factual accuracy. The Investigator will consider the responses received and modify the report to correct any confirmed errors of fact.

9.10. The Investigator will then submit their final report and records/material relating to the investigation to the Named Person, setting out the conclusions of the Initial Investigation and any other matters they wish to draw to the attention of GSA.

9.11. The Named Person shall convey the substance of the Investigator's findings to the complainant, the respondent and such other persons or bodies as they deem appropriate.

9.12. The Named Person will then undertake the following actions depending on the conclusions of the Initial Investigation stage on the allegation(s) under investigation:

a) if it is concluded that the allegation(s) is sufficiently serious and has sufficient substance to require a Full Investigation, the investigation moves to that stage.

b) for all other outcomes, the investigation moves to the Outcomes and Reporting stage.

9.13. The work of the Investigator is then concluded and they play no further role in the Procedure or any subsequent disciplinary procedure, apart from clarifying any points in their report. As the matter may then lead to potential disciplinary or other action, a former Investigator should not make any comment on the matter in question, unless formally permitted by GSA or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence.

9.14. Any queries or requests for comment addressed to the Investigator should be referred to the Named Person.

9.15. The Initial Investigation stage now ends.

## 10. Full Investigation stage

10.1. **PURPOSE**: The purpose of the Full 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 as appropriate regarding any further action the Investigation Panel deems necessary to: address any misconduct; correct the record of research, and/or address other matters uncovered during its work.

10.2. The Named Person shall appoint an Investigation Panel to undertake a Full Investigation into the allegation(s) (see 5.7). At least one member of the panel should be external to GSA, other than in exceptional cases. At least two members of the Panel shall be academics with a good understanding of the field within which the misconduct is alleged to have taken place; where allegations concern highly specialised areas of research the Panel should have at least one member with specialised knowledge of the field. The Named Person will select one of the members of the Panel to act as its Chair.

10.3. The Panel will normally reach its conclusions within three months of being established.

10.4. Each member of the Panel will be provided with a copy of the Procedure, details of the allegation, the note produced at the Screening stage, the Initial Investigation report, other records from that stage which the Named Person considers relevant, contact details for the complainant and respondent, a summary of correspondence with complainant and respondent to date, and a summary of evidence obtained during the Screening and Initial Investigation stages. The Chair will ensure that full records of the proceedings are maintained.

10.5. The Named Person will inform the complainant and the respondent that the Procedure has moved to the Full investigation stage and that they will be interviewed as part of the process and allowed to provide evidence.

10.6. Respondents will normally be informed of the name of any complainant(s) who have made the allegation(s) concerning them at the discretion of the Named Person, but in exceptional

circumstances their confidentiality will be preserved, subject to advice from HR and taking into account GSA's whistleblowing policy, balanced against the impact on the ability of the respondent(s) to respond to the allegation(s) that have been made against them. The complainants will be informed if their identity is being disclosed to the respondent.

10.7. The Chair of the Panel will be responsible for the conduct of the proceedings. The Panel shall determine what additional information it needs and whom it wishes to interview or take statements from. The panel should: determine whether the allegation is made in good faith; confidentially review and assess the evidence; reach a conclusion in line with the possible outcomes set out in 10.11. The Panel may choose to make recommendations on further actions which it considers necessary. When making any decisions about the conduct or conclusion of the Full Investigation, the Panel will attempt to reach a consensus by discussion.

10.8. The Panel must separately interview the complainant and the respondent. Where there are multiple complainants and/or respondents, each must be interviewed separately. Complainants and respondents are never interviewed together. The respondent will be allowed to respond to the allegations made against them, set out their case and submit their evidence for consideration by the Panel, before interview. The respondent may consult other parties for advice when preparing their evidence, providing they are not directly involved in the matter under investigation, but should take confidentiality considerations into account when doing so. (Note, however, that employees are not permitted to be accompanied by a legal representative as part of this investigatory procedure.)

10.9. The Panel should also interview relevant witnesses at its discretion; these can include witnesses suggested by the complainant or respondent. The Panel may also seek confidential advice from people with relevant expertise (see 5.12).

10.10. If the Complainant or Respondent does 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.

10.11. **POSSIBLE OUTCOMES**: After the Full Investigation, the Panel will conclude whether the allegation of misconduct in research is:

a) upheld in full; or

b) upheld in part; or

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

d) warrants referral directly to another formal process of GSA such as a disciplinary procedure; or

e) warrants referral directly to an external organisation; or

f) is unfounded, because it is mistaken or is frivolous or is otherwise without substance and will be dismissed; or

g) is unfounded, because it is vexatious and/or malicious, and will be dismissed.

10.12. The Panel may also make recommendations regarding any further action(s) which should be taken, potentially including (but not limited to):

a) what external organisations should be informed of the findings of the investigation, with appropriate consideration of confidentiality, including statutory regulators, relevant funding bodies, and partner organisations; and/or

b) whether any action will be required to correct the record of research, such as informing the publishers and editors of any journals that have published related research of any misconduct or honest errors; and/or

c) whether procedural or organisational matters should be addressed by GSA or other relevant bodies through a review of the management of research; and/or

d) informing research participants or collaborators; and/or

e) other matters that should be investigated, including arising allegations of research misconduct which are either unrelated to the allegation in question or alleged to have been committed by persons other than the respondent and/or other forms of alleged misconduct.

10.13. The Panel shall write a report setting out their conclusions (where relevant, for each allegation), giving the reasons for its decisions and recording any differing views. The Report should be submitted to the Named Person, and all records/ material relating to the Full Investigation stage should be handed over.

10.14. The outcome of the investigation will be sent to the complainant and the respondent for comment on matters of factual accuracy. The Panel will consider the responses received and modify the report to account for confirmed errors of fact.

10.15. The Named Person shall convey the substance of the Panel's findings and recommendations to the complainant, the respondent and such other persons or bodies as they deem appropriate.

10.16. The work of the Panel is then concluded and the Panel should be disbanded. As the matter may then lead to potential disciplinary or other action, the Chair and members of the disbanded Panel should not make any comment on the matter in question, unless formally requested by GSA (e.g. to clarify a point in their written report) or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence. A role as Chair or member of the Panel rules out participation in any subsequent disciplinary or other processes.

10.17. The Full Investigation stage is complete and the Procedure moves to the relevant section of the Outcomes and Reporting stage.

## 11. Outcomes and Reporting stage

11.1. The Named Person, supported by the Research Integrity Officer and other colleagues as required, is responsible for ensuring that: the complainant and respondent are informed in writing of the Outcome of the investigation and any conclusions reached; and that any necessary actions are carried out. Such actions may include (but are not limited to):

a) referral to GSA's relevant disciplinary procedure or another organisational process. The Named Person will inform the complainant in writing of: the reasons why the allegation

cannot be investigated or concluded using this Procedure; which process for dealing with complaints is appropriate for handling the allegation; and that the allegation will be referred to the relevant department/ process. The report of the Full Investigation Panel (when applicable) and other relevant materials gathered during the Procedure should form the basis of the evidence that informs the subsequent process (subject to data protection policies and obligations of confidentiality).

b) implementing informal measures to address poor practice which has been found to fall short of misconduct (see Appendix).

c) reporting the outcomes to relevant colleagues/ bodies within GSA, for example, line managers, HR, Academic Registry.

d) making necessary disclosures on the Outcome to external organisations and other interested parties, for example research funders, research collaborators, publishers and other organisations involved in the dissemination of the research.

e) steps to ensure that obligations of duty of care to complainants, respondents and other involved parties, including but not limited to research participants and collaborators, are met.

f) ensuring that appropriate efforts are made to correct the research record, where misconduct is found to have occurred, or protect the reputation of the research, where misconduct is found not to have occurred.

g) addressing procedural or organisational matters uncovered during the investigation.

h) responding to any new allegations of research misconduct identified during the investigation but not covered by it.

i) necessary reporting, including in the annual statement on research integrity required under The Concordat to Support Research Integrity.

j) dissemination of anonymised learning points within GSA as appropriate.

11.2. If the conclusion is that the allegation is unfounded because it is mistaken or is frivolous or is otherwise without substance:

a) GSA shall take appropriate steps to preserve the good reputation of the respondent. If the case has received any adverse publicity the respondent may be offered the opportunity to have an official statement released by GSA.

b) those who have raised concerns/ made allegations in good faith will not be penalised and the Named Person shall take appropriate steps to preserve the good reputation of the complainant.

c) appropriate communications on the outcome and the reasons for it will be important to ensure a good understanding of the process and outcome.

11.3. If the conclusion is that the allegation is unfounded because it is vexatious and/or malicious:

a) the Named Person may consider recommending that action be taken against anyone where there is clear evidence that a complaint was vexatious and/or malicious. This may include disciplinary action or referral to another institutional procedure

b) GSA shall take appropriate steps to preserve the good reputation of the respondent.

11.4. When the Named Person has determined that the allegation does not relate to researchers or research under the auspices of GSA, the complainant should be informed, in writing, of:

a) the reasons why GSA is not an appropriate body to investigate the allegation;

b) which external organisation(s) might be an appropriate body to investigate the allegation.

11.5. When the Named Person has determined that, while the allegation does relate to researchers or research under the auspices of GSA, the allegation warrants referral directly to an external organisation, the Named Person will ensure that:

a) the relevant external organisation is informed of the allegation, in writing, and asked to investigate or otherwise address it. They should be informed why GSA has concluded that the allegation warrants referral to them.

b) inform the complainant, in writing, that the allegation is being referred directly to the external organisation(s).

11.6. when a respondent is not a current member of staff or student of GSA, the Named Person will determine the nature of any further action to be taken in relation to the investigation and its outcome.

11.7. Where an investigation has established research misconduct relating to a significant body of work over some time, GSA should consider whether it needs to review other work carried out by the individual or individuals concerned, including work not specifically flagged up in the course of the investigation.

11.8. **CONCLUSION OF THIS STAGE AND NEXT STEPS**: The Complainant and Respondent will be informed:

a) of the conclusion(s) reached at the prior stage of the procedure.

b) of the actions arising and, where relevant to the Complainant or Respondent, the contact points for any follow-up communications regarding those actions.

c) of the options for Appeal open to them (see next stage).

d) that, unless an appeal is raised, the investigation and the use of this Procedure have now concluded.

11.9. A role as the Named Person or Research Integrity Officer rules out participation in any subsequent disciplinary process.

11.10. The Outcomes and Reporting stage now ends and the Procedure moves to the Appeals stage.

## 12. Appeals stage

12.1. The Appeals stage permits the complainant and/or the respondent to appeal in certain circumstances against the findings of an investigation carried out under this Procedure, as required by the Concordat to Support Research Integrity.

12.2. The appeals process will be managed by an individual other than the Named Person, normally the Alternate Named Person, providing they have not been involved in the matter previously.

12.3. The complainant and/or the respondent may appeal against the outcomes of the Procedure, including the decisions and/or recommendations associated with them. Any appeal must be made in writing to the Alternative Named Person within 10 working days of being notified of the outcome of the Procedure. The written notice of appeal shall set out the grounds of appeal, and be accompanied, wherever possible, by supporting documentation.

12.4. Appeals may be permitted on any or all of the following grounds:

a) procedural irregularity in the conduct of the investigation up to and before the Appeal Panel that could have had a material impact on the outcome.

b) fresh evidence becoming available which was not available to the Investigator and/or the Full Investigation Panel.

c) there was evidence of bias or unfairness in the process or decisions taken by the Named Person, Investigator and/or the Investigation Panel.

d) the recommendations made as part of an outcome of the Procedure/ subsequent actions taken are either excessive or inadequate concerning the misconduct found by the investigation.

12.5. The Alternative Named Person will assess the appeal to determine whether it falls within one or more of the grounds for appeal, seeking clarification from the person(s) submitting the appeal as necessary.

a) If it does not, then the appeal is dismissed and this decision should be communicated to the person who submitted the appeal. The Appeals stage now ends.

b) If it does, the Alternative Named Person shall then appoint an Appeals Panel.

12.6. The Appeals Panel will normally consist of three people. No individual involved in the Appeals Panel will have been involved in the investigation at any stage previously. At least one member of the Panel should be an academic with good understanding of the area within which the misconduct is alleged to have taken place. At least one member of the Panel should normally be from outside GSA, other than in exceptional circumstances. The Alternative Named Person will appoint one member of the Panel to act as its Chair.

12.7. Any appeal should normally be heard within two months of the outcome of the investigation.

12.8. The Appeals Panel will then review the conduct of the investigation and any evidence submitted in support of the Appeals(s) in question, rather than carry out a re-investigation of the allegation(s) in question. When making any decisions about the conduct or conclusion of the Appeals Stage, the Appeals Panel will do so by reaching a consensus.

12.9. **POSSIBLE OUTCOMES**: The Appeals Panel has the power to uphold, reverse or modify the following outcomes of the Procedure, including the decisions and/or recommendations associated with them:

a) a conclusion of an Initial Investigation or a Full Investigation that an allegation is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed; or

b) a conclusion of an Initial Investigation or a Full Investigation that an allegation is unfounded, because it is vexatious and/or malicious, and will be dismissed; or

c) a conclusion of an Initial Investigation or of a Full Investigation that an allegation 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 approaches, such as mediation, rather than through the next stage of the Procedure or other formal processes; or

d) a conclusion of a Full Investigation that an allegation is upheld in full; or

e) a conclusion of a Full Investigation that an allegation is upheld in part.

12.10. **CONCLUSION OF THIS STAGE AND NEXT STEPS**: The Appeals Panel will decide whether it upholds, reverses or modifies the outcome in question, including the decisions and/or recommendations associated with it. The decision of the Appeal Panel is final.

12.11. The Appeals Panel shall write a report setting out its conclusions, giving the reasons for its decision and recording any differing views.

12.12. A summary of the conclusions will be sent to the complainant and the respondent for comment on matters of factual accuracy. The Appeals Panel will consider the responses received will modify the report to correct any confirmed errors of fact.

12.13. The Appeals Panel will then submit their final report to the Alternative Named Person and hand over all records/ material reviewed during the Appeal.

12.14. The Alternative Named Person shall convey the substance of the Appeals Panel's findings and recommendations to the complainant, the respondent and such other persons or bodies as they deem appropriate.

12.15. The Alternative Named Person will then undertake the actions necessary to implement the conclusions of the Appeals Panel, following relevant provisions of the Outcomes and Reporting stage and liaising with the Research Integrity Officer and others as necessary.

12.16. The work of the Appeals Panel is then concluded and the Appeals Panel should be disbanded. As the matter may then lead to potential disciplinary or other action, the Chair and members of the disbanded Appeals Panel should not make any comment on the matter in question, unless formally permitted by GSA or otherwise required to by law.

12.17. Any queries or requests for comment addressed to the Chair or members of the Appeals Panel should be referred to the Alternative Named Person.

12.18. Those who have contributed to the disbanded Appeals Panel should have no further involvement in the Procedure unless formally asked to clarify a point in their written report at a subsequent stage or as part of any subsequent action or process.

12.19. A role as Chair or member of the Appeals Panel rules out participation in any subsequent disciplinary or other processes.

12.20. The Appeals stage now ends.

## Appendix 1: Resolution Using Informal Measures

One potential Outcome of the Research Misconduct Procedure is that poor research practices are identified which fall short of misconduct and should be addressed through informal and non-disciplinary measures such as education or training. Informal measures could include:

a.) Education, training and other development activities.
b.) Enhanced supervision/ oversight of research activities.
c.) Restriction of research activities.
d.) Mentoring.
e.) Mediation between involved parties.
f.) Awareness-raising of relevant issues of good research practice.
g.) Pastoral care and support.
h.) Revision of relevant research practices, systems and/or policies relating to the allegation in question.
i.) Other measures as appropriate.

When informal measures are recommended:

a) The nature and scope of the informal measures should be clearly defined in writing, and communicated to the relevant individual by the Named Person or Research Integrity Officer.

b.) A *designated person* should be nominated to be responsible for ensuring that the agreed measures are carried out – for example, a line manager, Research Lead, supervisor or training provider.

c.) The timetable for completion should be clearly set out.

d.) Delivery/completion and outcomes of the informal measures, and any next steps, should be documented.

f.) Once completed, there should be discussion by the Research Integrity Officer and others about any learning points for GSA, which should be communicated via Research Committees and other channels as appropriate, and captured in the annual Research Integrity report.

## Appendix 2: Allegation of Research Misconduct Proforma

## Appendix 3: Research Misconduct Procedure Investigation Flowchart