

## Academic integrity in research: Code of Practice and Procedure

### Code of Practice

- (1) The University expects all members of the University including staff and students and those who are not members of the University but who are conducting research<sup>1</sup> on University premises or using University facilities or funding for their research to observe the highest standards of ethics and integrity in the conduct of their research<sup>2</sup>. In pursuance of such high standards they must:
  - a) be honest in proposing, conducting and reporting research. They should strive to ensure the accuracy of research data and results and acknowledge the contributions of others.
  - b) acquaint themselves with guidance as to best research practice and standards of integrity; for example, the [Code of Practice for Research](#) published by the UK Research Integrity Office or the [Concordat to Support Research Integrity](#).
  - c) comply with ethical and legal obligations as required by statutory and regulatory authorities, including seeking ethical review and approval for research as appropriate. They should ensure that any research undertaken complies with any relevant University policy and procedure and any other agreements and/or terms and conditions relating to the project, and also allows for proper governance and transparency.
  - d) seek to ensure the safety, dignity, wellbeing and rights of those associated with the research.
  - e) effectively and transparently manage any conflicts of interest, whether actual or potential, reporting these to the appropriate authority as necessary.
  - f) ensure that they have the necessary skills and training for their field of research.
  - g) recognise their accountability to the University and their peers for the conduct of their research.
  - h) having due regard to subject disciplinary norms, acknowledge that authorship of a research output should be attributed only to a researcher who has made a significant intellectual, scholarly or practical contribution to that output and is willing to take responsibility for the contribution.
  - i) follow the requirements and guidance of any professional bodies in their field of research. Researchers who are members of a regulated profession must follow the requirements and guidance of the body regulating their profession.
- (2) Failure to comply with this Code of Practice and Procedure may give rise to an allegation of Misconduct in Research (as further defined in 3). Misconduct in Research may be a ground for disciplinary action<sup>3</sup>, and if serious, for dismissal or expulsion.

### Definition of Misconduct in Research

- (3) Misconduct in Research for the purpose of this Code of Practice and Procedure means, but is not limited to, the doing, planning or attempting of any of the following while proposing, carrying out or reporting the results of research:

<sup>1</sup> Research is defined in the Concordat to support research integrity as 'a process of investigation leading to new insights, effectively shared... It includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction'.

<sup>2</sup> This includes members of the University, visiting staff and contractors and those whose research is funded by the University, who are conducting work overseas.

<sup>3</sup> Disciplinary action will only be taken in accordance with the University's standard procedures. Please see Section 27 below.

- Falsification or fabrication of data, including the intentionally misleading or deliberately false reporting of research information;
- Misrepresentation of data, including the invention of data and the omission from analysis and publication of inconvenient data;
- Failure to follow good practice for the proper preservation, management and sharing of primary data, artefacts and material;
- Unacknowledged appropriation of the work of others, including plagiarism, the abuse of confidentiality with respect to unpublished materials, or misappropriation of results, physical materials or other resources;
- Misrepresentation of involvement in a research project; for example, the failure to include legitimate author(s) on outputs, or granting authorship where none is warranted, or of credentials, including qualifications, experience, and publication history;
- Failure to declare conflicts of interest;
- Failure to follow accepted procedures, legal, professional or ethical requirements, or to exercise due care in carrying out responsibilities for avoiding unreasonable harm or risk to humans, other vertebrates, cephalopods or the environment;
- Failure to follow existing guidance on good practice in research, including proper handling of privileged, private, or confidential information collected on individuals during the research;
- Improper conduct in peer review of research proposals, results or manuscripts submitted for publication.
- improper dealing with allegations of misconduct: failing to address possible infringements, or to adhere to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding

Misconduct in Research can include acts of omission as well as acts of commission. It excludes genuine errors that are not due to negligence, differences in interpretation or judgement in evaluating research methods or results, or misconduct unrelated to research processes. It does not include poor research.

Misconduct in Research for the purpose of this Code of Practice and Procedure is not intended to capture concerns about students' examined work<sup>4</sup>, which falls within the jurisdiction of the Proctors under the Proctors' Disciplinary Regulations for Candidates in University Examinations and Statute XI.

## Responsibility

- (4) The Employment Rights Act 1996 (as amended) gives legal protection to workers against being dismissed or suffering any other detriment as a consequence of raising, with appropriate personnel, concerns which they reasonably believe indicate unlawful or various other practices within the organisation. In accordance with the Act, the position in the University of a worker expressing concerns about the conduct of research which they reasonably believe to be true, in good faith and in accordance with this procedure, should not be jeopardised as a result of raising those concerns.

All members of the University, and individuals permitted to work on University premises or use University facilities, have a responsibility to report any well-founded allegations of Misconduct in Research, whether this has been witnessed, or is suspected. Suspicions reported in confidence

<sup>4</sup> Examined Work includes the submission and assessment of a thesis, dissertation, essay, Transfer of Status materials, Confirmation of Status materials, or other coursework which is not undertaken in formal examination conditions but is a requirement for, counts towards or constitutes the work for a degree or other academic award.

and in good faith will not lead to disciplinary proceedings against the person making the allegation, in accordance with the Employment Rights Act 1996 and the University's public interest disclosure code of practice - <https://hr.admin.ox.ac.uk/public-interest-disclosure-whistle-blowing-code-of-practice>. In the event, however, of a frivolous, vexatious and/or malicious allegation the Registrar will consider recommending that action be taken against the person making a report. Prior to making any formal allegation, sources of advice and support for University members include:

- Fellow researchers and colleagues
- Supervisors
- Mentors
- Senior Tutors
- University Proctors
- Directors of Graduate Studies
- Heads of Department; Faculty; or Division
- Research Ethics Committees
- Research Services
- Oxford University Students Union (Oxford SU)

The University is committed to ensuring that all allegations of Misconduct in Research are assessed and, where the Registrar determines that further investigation is required (in accordance with the Procedure below), investigated thoroughly, fairly, in a timely manner, and with care and sensitivity.

### **Confidentiality**

- (5) So far as possible, and taking into account the University's legal and regulatory obligations, all allegations will be investigated in confidence. All those who are involved in the investigation of an allegation, including witnesses, representatives and persons providing information, evidence and/or advice, have a duty to maintain confidentiality. However, for an allegation to be investigated fully, it will normally be necessary to disclose the identity of the person reporting an allegation (the "**Reporter**") as well as other relevant information to the person(s) who is/are the subject of the complaint (the "**Subject**") and others who will be involved in any subsequent investigation. It may generally be necessary to make certain disclosures to relevant members of University staff, such as the relevant Head of Division; Head of Department and the Director of Research Services, although any such disclosures will be limited to those with a strict need to know. The Reporter will be advised before any such disclosure is made.
- (6) All decisions about disclosure, including the level of detail to be provided and at what stage, will be taken by the Registrar, having due regard to the rights and interests of the Reporter and the Subject and the obligations placed on the University by any third party(ies) or the law.

### **Procedure in the event of suspected Misconduct in Research**

#### *Referrals*

- (7) A judgement should be made, usually by the Head of Department, as to whether an allegation relates to a disciplinary matter which should be determined under another procedure.

- (8) Allegations of potential Misconduct in Research should be made in good faith in writing, accompanied by all the supporting evidence which the Reporter wishes to be considered, and addressed in confidence to the Registrar (via [registrar@admin.ox.ac.uk](mailto:registrar@admin.ox.ac.uk) or to: The Registrar, University of Oxford, University Offices, Wellington Square, Oxford OX1 2JD).
- (9) The Registrar may, at their discretion, consider anonymous allegations and assess the seriousness of the issues, their credibility, and the feasibility of confirming the allegation with credible sources. Depending on the outcome of that assessment, the Registrar may elect, at their discretion, to investigate anonymous allegations in accordance with this Procedure.

#### *Acknowledgement and Notification*

- (10) The Registrar will acknowledge receipt of allegations within five (5) working days and will advise the Reporter of the procedure to be followed. The Registrar will also normally notify the Subject of the allegation, where they consider it appropriate to do so.
- (11) The Registrar will consider whether there are any third parties who may have a legitimate interest in the outcome that should be notified of the allegation. This may include a funding body or other third party or institution (such as a journal or publisher, legal/regulatory body, NHS Trust, co-author, or employer of a research collaborator) that has an interest in the allegation of Misconduct in Research. Where an allegation involves a student matriculated at another institution or (in cases where the individual is no longer based at or employed by the University) an employee at another institution, the institution may be notified accordingly.

#### *Preliminary Review*

- (12) Following receipt of an allegation, the Registrar will conduct a preliminary review in order to determine whether further investigation is required. The purpose of the preliminary review is to evaluate the facts of the allegations to determine whether the allegation of Misconduct in Research is: (i) frivolous; (ii) vexatious; (iii) repeated; and/or (iv) mistaken, and/or whether the misconduct alleged is minor such that it may be addressed informally, or whether the allegation relates to a disciplinary matter which should be dealt with under another procedure or whether the allegation requires further investigation as set out in (19) below. This review will be conducted in a timely manner and the Registrar may seek advice from senior academic members of the University. In the event that the allegations relate to the conduct of a student, the Registrar will consult with the Proctors and may refer these allegations to the Proctors for further investigation.
- (13) Where an allegation concerns a situation that requires immediate action to prevent risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences (where this might contravene the law or fall below good practice) the Registrar may take appropriate action to ensure that any potential or actual danger, illegal activity or risk is prevented or eliminated. If the Registrar takes action such action will be administrative not disciplinary at this stage, pending the outcome of the investigation.
- (14) Having conducted the preliminary review, the Registrar will determine whether the case:
  - a) should proceed to a further investigation under section 19 below or whether the allegation relates to a disciplinary matter which should be determined under another procedure;
  - b) should be referred to the Head of Department (or Head of Division or equivalent where there is a conflict of interest) where the research was conducted if there is no evidence of research misconduct, but instead should be considered as poor research practice;
  - c) should be referred to the Head of Department (or Head of Division or equivalent where there is a conflict of interest) where the research was conducted if this refers to a dispute over authorship or if the alleged misconduct is minor and should be resolved within the Department; or

- d) does not require further investigation.
- (15) If the Registrar determines that further investigation is not required, the allegation may be dismissed or addressed under another applicable University policy or procedure or through education and training or any other non-disciplinary approach. The Registrar may also dismiss at this stage allegations which they consider to be i) frivolous; (ii) vexatious; (iii) repeated; and/or (iv) mistaken, and may consider recommending that action be taken against the Reporter. Anyone making allegations in good faith will not be penalised.
- (16) The Registrar will provide the Reporter with a written determination summarising the reasons for the decision reached following the preliminary review. If the Subject has been notified of the allegation (see section 10 above) they will also be provided with a copy of the Registrar's written determination.
- (17) Where necessary, the written determination will be in the form of a Completion of Procedures letter. Students may submit their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) for review if they remain dissatisfied following completion of the University's procedures. This must be submitted within twelve (12) months of the date of the Completion of Procedures letter.

#### *Legal & Regulatory Bodies*

- (18) Following the preliminary review, in the event that the nature of the allegation is such that the Registrar considers it necessary to notify legal or regulatory authorities, (for example where the alleged activity would constitute a criminal offence) any investigation led by a legal or regulatory body will take precedence over this procedure. This procedure may need to be suspended to be concluded at a later date, or may be declared unnecessary by the Registrar.

#### *Investigation*

- (19) If the Registrar determines that there is a case which requires further investigation, the Registrar or a person duly authorised on their behalf shall set up a Panel to enquire into the allegations. This shall normally consist of three members, to include a member of the department or faculty with relevant expertise, and a member of the University or a college from outside the department or faculty, if possible, with relevant expertise and one member who must be external to the University. Members of the Panel must have no conflict of interest in the case, be unbiased and have the appropriate knowledge and experience to evaluate the issues under investigation. One of these members will be appointed to Chair the Panel. The Panel will be charged with examining and evaluating the facts of the allegations and all relevant evidence to determine whether an act of Misconduct in Research has been committed, who is responsible and the seriousness of the Misconduct in Research, in order to report to the Registrar. The standard of proof used by the Panel will be that of "on the balance of probabilities".
- (20) The Registrar or the person duly authorised on their behalf shall require the production of such records as are necessary to enable the investigation to proceed and shall secure their safe keeping.
- (21) The Subject shall be informed by the Registrar or the person duly authorised on their behalf of the decision to set up the Panel and of the membership of the Panel.
- (22) The Panel may interview both the Reporter and the Subject, and any other persons, whose evidence may, in the Panel's view, assist the Panel in reaching a conclusion. Any person attending for interview may be accompanied by a Trade Union official or a University employee of choice (in the case of members of staff) or a fellow student, officer of the Students Union or member of staff of their choice (in the case of a student). The Panel should be informed of the identity of the accompanying person at least five (5) working days before the interview is scheduled to take place.

- (23) The Panel shall prepare a report, setting out the evidence which has been evaluated, accounts of interviews, if any, its conclusions as to whether the allegation of Misconduct in Research is upheld in full, upheld in part or not upheld, and its recommendations to the Registrar as to what actions (if any) should be taken to address the Misconduct in Research either against the Subject or generally. There is a non-exhaustive list of possible recommendations at section 27 below. The basis for reaching a conclusion that an individual is responsible for Misconduct in Research relies on a judgement that there was an intention to commit the Misconduct in Research and/or recklessness in the conduct of any aspect of a research project.
- (24) The Panel shall provide a draft report to the Subject and to the Reporter so that they can comment on its factual accuracy. They shall normally be given up to ten (10) working days to comment in writing. The Panel will consider any comments on the draft report and then provide a final version of its report to the Registrar who will determine what further steps will be taken. If any comments made by the Subject on the draft report are not accepted by the Panel, the Subject's comments should also be provided to the Registrar to take into account.
- (25) Should any evidence of further, distinct instances of Misconduct in Research (either unconnected to the allegations under investigation or committed by another person or persons) be brought to light during the course of the Panel's investigation then the Panel will submit these new allegations of Misconduct in Research in writing to the Registrar in accordance with section (6) above.
- (26) Subject to availability of personnel and to operational demands the investigation of the Panel should normally be completed within ninety (90) days of first notification of the allegation to the Registrar. However, this timescale is not binding upon the University and can be extended where reasonably required.
- (27) *Recommendations*

On receipt of the Panel's recommendations, the Registrar<sup>5</sup> may dismiss the allegation(s) or take such further action that they deem appropriate. Such action may include:

- In the event that the allegations relate to a person subject to the provisions of Statute XII of the University Statutes, the Registrar may choose to take further action under the provisions of Part D of Statute XII.
- In the event that the allegations relate to a person subject to the provisions of the University disciplinary procedure for support staff, the Registrar shall bring the report to the attention of the relevant head of department responsible for employing the person.
- In the event that allegations relate to a student member, the matter may be referred to the Proctors to determine whether further action under the terms of Statute XI would be appropriate. If the Subject appeals, such a referral will be postponed pending the outcome of the Appeal (ie the written determination referred to in paragraph 34).
- In the event that the allegations relate to someone who is not subject to the University's disciplinary procedures, the Registrar may determine to notify other institutions, which have a legitimate interest in the outcome of the procedure and the individual's continued use of the University's premises and facilities may be curtailed.
- If the Panel has found that the Reporter's allegations were frivolous, vexatious and/or malicious, the Registrar will consider recommending that action be taken against the Reporter.

#### Notifications

- Notifying other third parties who are deemed to have a legitimate interest in the outcome of the proceedings, including, for example the co-authors of the Respondent in a manuscript subject to an allegation of Misconduct in Research.
- Notifying the publisher of a manuscript that was subject to an allegation of Misconduct in Research in order that this can be retracted or corrected.
- Notifying any funding body which has supported the research in question.

<sup>5</sup>The Registrar, at their discretion, may delegate certain functions, including notifying funding, regulatory or other agencies.

- Notifying any regulatory or other agencies as required by law.
- Notifying any other organisation involved in the research (including other employing organisations of research collaborators).

#### Procedural Reviews

- Reviewing internal management procedures for the research.
  - Reviewing training, mentoring and/or supervisory procedures for the research.
- (28) The Registrar will normally provide the Reporter and the Subject with a written determination, within fifteen (15) working days of receipt of the Panel's final report, which summarises the reasons for the decision.
- (29) Where necessary, the written determination will be in the form of a Completion of Procedures letter. Students may submit their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) for review if they remain dissatisfied following completion of the University's procedures. This must be submitted within twelve (12) months of the date of the Completion of Procedures letter.

#### *Appeal*

- (30) Subjects who are members of staff and against whom there has been a finding of Misconduct in Research will have a right of appeal:
- (in the case of members of staff who are subject to Statute XII of the University Statutes) under Statute XII in the event that further action is taken under that statute; or
  - (in the case of members of staff who are subject to the University disciplinary procedure for support staff) under the University formal disciplinary procedure for support staff in the event that further action is taken under that procedure.
- (31) A Subject who is a student member<sup>6</sup> and against whom there has been a finding of Misconduct in Research will have a right of appeal to a Pro-Vice-Chancellor (PVC) within 10 working days of receiving the Registrar's decision following a Panel investigation. Appeals should be sent to the Registrar who will identify a PVC to consider the appeal, having regard to availability and any conflicts of interest. Grounds of appeal are limited to:
- procedural irregularity in the conduct of this procedure;
  - fresh evidence becoming available which was not, and could not, have been made available to the Panel when producing its report and/or the Registrar when arriving at their decision;
  - that the Registrar's decision, including any steps to be implemented as a result of that decision, is disproportionate in relation to the proven misconduct.
- (32) Appeals cannot be made following a preliminary review or by anyone other than:
- (in accordance with section (31) above) a student who is the subject of a finding of Misconduct in Research; or
  - (in accordance with section 30 above) a member of staff who is the subject of a finding of Misconduct in Research.
- (33) The procedure for appeals under section (31) is as follows:

<sup>6</sup> As defined in section 1(1)(a) of Statute XI, but with 1(1)(a)(iv) amended so that "academic integrity proceedings" replaces "disciplinary proceedings", and "academic integrity Code of Practice" replaces "provisions of section (2) or (3) of this statute".

- a) The PVC will consider the appeal provided that they are content that the appeal is neither frivolous nor vexatious. In doing so, the PVC may seek advice or further information from any person, including members of the original Panel and/or other academic advisors. In exceptional circumstances, the PVC may decide that the original Panel (in cases where new evidence has come to light for example) or a new Panel should look at some or all of the allegations afresh. When seeking advice and/or assistance the PVC shall have regard to any possible conflicts of interest.
- b) The PVC may quash or confirm the Registrar's decision or make any order in substitution for it which the Registrar could have made. The PVC's decision will usually be sent to the Subject within 20 working days of receipt of the appeal, although this timeframe can be extended where reasonably required (for example if it is necessary to reconvene the original Panel or appoint a new Panel).

(34) The PVC's written determination will be in the form of a Completion of Procedures letter. Students may submit their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) for review if they remain dissatisfied following completion of the University's procedures. This must be submitted within twelve (12) months of the date of the Completion of Procedures letter.

#### *Time Limits*

- (35) The Registrar reserves the right not to consider allegations where the substantive event(s) complained about occurred more than three years before the allegation is received by the Registrar.

#### *Record keeping*

- (36) The Registrar's Office shall retain all records of any review or investigation carried out under this Procedure in accordance with University-wide retention policies for staff and student data.

#### *Reporting*

- (37) As stipulated within the [Concordat to Support Research Integrity](#), an annual report, providing anonymised summary details of any investigations conducted under this Procedure, and their outcome, will be presented to the University's Research and Innovation Committee for approval on behalf of the University. Once approved, this statement will be published on the University's Research Integrity web pages.

### **Relationship with existing policies**

This Code of Practice and Procedure will operate in conjunction with other University policies such as:

- [Policy on the ethical conduct of research involving human participants and personal data](#)
- [Policy on the Use of Animals in Scientific Research](#)
- [Statement of policy and procedure on conflict of interest](#)
- [Policy on the Management of Data Supporting Research Outputs](#)
- [Financial Regulations](#)
- [University statement of health and safety policy](#)
- [Intellectual Property Policy](#)
- [Bribery and Fraud Policy](#)



- [Information Security Policy](#)
- [University Policy on Data Protection](#)
- [Open Access Publications Policy](#)
- [Data Quality and Assurance Policy](#)
- [Public interest disclosure: code of practice](#)
- [Harassment policy](#)
- [Grievance procedures](#)
- [Safeguarding code of practice](#)

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