

# **University of Oxford code of practice and procedure on academic integrity in research: Guidance on the process for investigating allegations of misconduct in research**

## **Introduction**

1. a) This guidance should be read with the Code of Practice and Procedure on academic integrity in research (the Code). It does **not** replace the code of practice and procedure, which takes primacy in the event of any discrepancies with this guidance.

1. b) In this guidance “Reporter” means the person(s) or body referring a matter to the Registrar; “Subject” means the person(s) alleged to be or have been responsible for misconduct in research. Where this guidance refers to a Head of Department, this includes Chairs of Faculty Boards, a delegate where the Head of Department has a conflict of interest, or the Head of Division or their delegate where the matter relates to the Head of Department. References to the Registrar include individuals authorised by the Registrar to act on the Registrar’s behalf. The Panel Secretary or nominee supports the Registrar in assessing referrals and the academic advisers and investigation panels during preliminary review assessments and investigations.

## **Referrals**

2. a) A referral may be made by any individual or organisation that considers that there is potential misconduct in research which may be attributable to a member of University staff, a student or anyone conducting research on University premises or using University facilities or funding for their research. This includes members of the University, visiting staff and contractors, and those whose research is funded by the University and who are conducting work overseas. Where an allegation relates to a student, this process applies only to non-examined work<sup>1</sup>. A referral received by anyone other than the Registrar, which appears to relate to the Code, should be forwarded to the Registrar.

2. b) Referrals must be made in good faith and those reporting an allegation will be asked to declare if they have any conflict of interest. A referral to the Registrar should include all the evidence that the Reporter wishes to be considered.

2. c) Where the matter to be referred is such that it requires immediate action to secure safety, or to secure research materials or evidence that might be required for any investigation, it may be appropriate to address the matter under the disciplinary procedure. This will normally be a matter for the Head of Department to consider, in consultation with their HR Business Partner or with a Director of Graduate Studies or equivalent where the matter involves a student. Issues to consider include, but are not limited to, whether a disciplinary investigation is likely to be required and whether suspension must be considered.

2. d) When considering whether to investigate an anonymous allegation, the Registrar has a discretion as to whether or not to proceed, having taken into account the seriousness of the issues, their credibility, and the feasibility of confirming them with reliable sources. For example, the Registrar’s discretion will normally be exercised in favour of looking into an

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<sup>1</sup> Allegations concerning examined work are for the Proctors’ Office to consider separately. If the thesis for examination comprises a set of published papers or includes previously published material, consideration will be given to whether the Registrar or the Proctors would be the more appropriate investigating authority.

anonymous allegation if it has been referred by a journal, professional body or research funder, or if the allegations are of particularly serious concern.

2. e) The Code suggests sources of advice and support that a Reporter may wish to consult prior to making an allegation. Reporting and responding to an allegation may be a stressful experience. Reporters, Subjects and witnesses within the University who are members of staff may wish to seek support and advice from University Occupational Health, from the confidential staff telephone counselling service; from 'together all', an online peer-to peer support community, or TalkingSpace PLUS<sup>2</sup>. Student Reporters and Subjects may wish to seek support and advice from their college tutor or senior tutor or the Oxford SU<sup>3</sup>, or from Student Welfare and Support Services and in particular the Counselling Service<sup>4</sup>.

2. f) In dealing with referrals which concern two (or more) institutions, the University will seek to co-operate with any other institution involved<sup>5</sup>. If another institution involved is a member of the Russell Group, this will entail seeking to abide by the principles of the Russell Group Research Integrity Statement of Co-operation<sup>6</sup>. Where the Subject has recently moved from another institution where the research in question took place, or is primarily attached to another institution, the agreement of the other institution will be sought as to whether it is the appropriate investigating institution rather than Oxford. Where the Subject has moved from Oxford to another institution but the research in question took place in Oxford, the agreement of the institution to which the individual has moved will be sought as to whether Oxford is the appropriate investigating institution.

2. g) Where a member of the University wishes to report an allegation against someone in another institution, they should follow the procedure of that institution.

### **Acknowledgement and Notification**

3. a) When the Registrar acknowledges receipt of an allegation, unless the allegation is already in the public domain, the Reporter will be advised that their identity will be disclosed to the Subject, and to any other individuals whom it is considered have a need to know.

3. b) Suspicions reported in confidence and in good faith will not lead to disciplinary proceedings against the person making the allegation.

3. c) Only in the most exceptional circumstances will the subject not be informed of the allegations at this stage, for example where it is considered that evidence may need to be preserved for an investigation, or that being informed of a frivolous, vexatious or repeated complaint might impact on the health and wellbeing of the Subject.

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<sup>2</sup> – Self referral to Occupational Health further information is available at the following link:

<https://occupationalhealth.admin.ox.ac.uk/self-referrals> . Online mindfulness course -

<https://occupationalhealth.admin.ox.ac.uk/be-mindful-course>

Further information about the telephone counselling service is available at the following link:

<https://occupationalhealth.admin.ox.ac.uk/employee-counselling-service>

Anyone with a University email address can register free for together all (select "I'm from a University or College") at the following link: <https://togetherall.com/en-gb/>

TalkingSpace PLUS is an Oxford based NHS mental health self-referral service, offering free courses

<sup>3</sup> Oxford SU

<sup>4</sup> Welfare and Wellbeing | University of Oxford

<sup>5</sup> Where there is a joint appointment, the Registrar and Senior Tutor will decide whether the University or College is the appropriate authority to deal with a referral

<sup>6</sup> Russell Group Research Integrity statement of cooperation.

3. d) Research funders' terms and conditions vary, but the University's major research funders (e.g. Research England<sup>7</sup>, UKRI and the Wellcome Trust) require the University to inform them of allegations of misconduct in research that they have supported (e.g. via a research grant or grant application, or if the Subject is a research supervisor or member of an advisory committee of the funder). At this stage enquiries will be made of Research Services to identify the Subject's research funding, so that an assessment can be made of the obligations the University has to funders. This is with a view to informing funders in confidence of the allegations and the measures being taken to investigate, as required by the terms of the relationship. When informing the funders Research Services will note that in the absence of a finding of research misconduct, no adverse inferences should be drawn against the Subject by a funder. In general, research funders need to be informed if a credible allegation of misconduct in research has been made although the name of the Subject can often be withheld whilst the allegation is subject to preliminary review. Once a decision has been made to conduct a formal investigation, the funder is likely to be entitled to request that the name of the Subject be disclosed in confidence and to be informed of the progress and outcome of the investigation. The research funder may also be entitled to ask to see a copy of the final investigation report.

3. e) Consideration will also be given by the University as to whether any other bodies, such as professional membership organisations, other employers or journals, need to be notified at this early stage, where the Registrar considers that the University has a duty to do so. Subjects of allegations should also be mindful of any professional obligations they may have to inform their professional body, or another employer such as the NHS, of any allegations made against them. Such obligations override the confidentiality obligations in paragraph 5 of the Code and set out below.

3. f) The Subject will usually be informed when the Registrar decides to inform any other organisations or individuals about the matter. The Reporter may also be informed in order to demonstrate that appropriate steps have been taken or if the information affects their interests, for example they will usually be informed if any research funder is notified of the referral.

## **Confidentiality**

4. The Reporter and Subject should maintain confidentiality throughout the process, but may discuss the matter in strict confidence with and obtain advice and moral support from colleagues in the University and outside it, personal friends and close family. Such communications should not impart more information, nor be made to more people, than is strictly necessary to obtain the necessary advice and moral support.

5. All referrals should be investigated in confidence and all those involved have a duty to maintain confidentiality, including the academic advisers, the Panel, the Reporter and Subject, anyone who has been invited to an interview, representatives, companions at the interview or family members, and any others who have been informed about the allegation.

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<sup>7</sup> The terms and conditions of the Research England grant state: "We expect higher education providers to notify us promptly of research misconduct which could reasonably be considered as directly or indirectly supported by our funding. Higher education providers are expected to notify Research England when an allegation is referred for formal investigation, and the outcome of any formal investigations of research misconduct. Higher education providers are not expected to report cases to Research England where funding from other councils of UKRI supports the activity, and which are already reported by higher education providers to the appropriate Research Council.

Details of the referral will only be disclosed where it is necessary to do so to carry out a fair investigation, to effect any interim measures, to protect members of the University community and/or to comply with the University's legal and regulatory responsibilities. The identity of the Reporter and the details of the allegation will normally be disclosed to the Subject.

The Registrar or Panel Secretary may also need to inform the Head of Division or Head of Department or staff in Research Services, for purposes including but not limited to identifying suitable Panel members, and identifying sources of research funding to ensure that in those cases where a funder requires notification of any misconduct allegations the University is in a position to do so. The Registrar or Panel Secretary may also need to notify a third party (such as a journal, legal / regulatory body, NHS Trust, research collaborator, research funder, other employer or institution) with an interest in the allegation, including in relation to any review or investigation of a referral.

### **Preliminary review**

5.a) 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), investigated thoroughly, fairly, in a timely manner, and with care and sensitivity. However, where appropriate, the Registrar will decide either that matters should be dealt with at the preliminary review stage or that misunderstandings between members of the University should be dealt with informally or through mediation<sup>8</sup>. There are a number of categories of cases which will usually be dealt with in this way, subject to an assessment of each case. The Reporter and Subject will receive an explanation for the Registrar's decision (unless the Subject has not been informed of the referral). These cases include but are not limited to:

- i) Cases which are frivolous, vexatious, repeated, and/or mistaken.
- ii) Cases where initial enquiries on behalf of Registrar result in a conclusion that there is no evidence of research misconduct, or where the Reporter has not made credible allegations of research misconduct as set out within the definition in the Code. Such allegations may be dismissed without further investigation.
- iii) Cases where initial enquiries on behalf of the Registrar result in an assessment that there have been minor honest errors or poor research practice. The Registrar will refer any further action to the Head of Department. Where members of more than one Department are involved in a case, the matter will be referred to the Heads of Departments concerned for them to consider how best to deal with it. They may wish to appoint a neutral third party to deal with the matter.
- iv) Cases where the matter refers to an authorship or similar dispute within a Department. where the Registrar will refer the case to the Head of Department. Where members of more than one Department are involved in a case, the matter will be referred to the Heads of Departments concerned for them to consider how best to deal with it. They may wish to appoint a neutral third party to deal with the matter.
- v) Cases where the Registrar seeks the advice of one or more senior academic members of the University on whether in their view there appears to be a need for further investigation –

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<sup>8</sup> [Student Resolution Service | University of Oxford](#); [Guidance on mediation | HR Support \(ox.ac.uk\)](#)

such cases may relate to an allegation relating to authorship, or the unacknowledged appropriation of the work of others. (See section below)

Where possible the preliminary review will be completed within 50 days of the referral to the Registrar. However delays may occur for a number of reasons including difficulty finding an academic adviser in a relevant subject who does not have a conflict of interest, or more extensive material to be considered or enquiries to be made.

### **Cases where the Registrar seeks academic advice to support the preliminary review**

6. a) The academic adviser who is asked to consider the case should do so in the light of their own research expertise and subject-specific academic norms. They may wish to ask questions of the Reporter and Subject and relevant witnesses, and may invite written or oral representations. They will be supported by the Panel Secretary, who may communicate with the Reporter and Subject on their behalf. When they have completed their assessment of the case the academic adviser will advise the Registrar in writing whether they consider that there may have been misconduct in research such that further investigation is required, whether there has been no misconduct and that no further action is required or whether mistakes have been made which require correction or remediation.

6. b) A Preliminary Review will not result in a finding that there has been misconduct in research; the Registrar will reach such a conclusion only on the basis of an investigation by a Panel. The Preliminary Review may arrive at a conclusion that there have been instances of poor research practice, in which case it may result in recommendations for further training, supervision, mentoring or corrections to published research, or other corrective action.

6. c) The Reporter, where appropriate, and Subject will receive an explanation of the Registrar's decision as to whether further investigation is required, whether the allegations are dismissed or whether any correction or remediation is required. This may include further training, supervision, mentoring or corrections to published research, or other action to correct instances of poor research practice. The Registrar will consider whether to send all or part of the academic advice or a summary of the academic advice to the Reporter and Subject on a case-by-case basis, with a presumption in favour of disclosure to the Subject.

### **Panel Investigation**

7. a) Where a case is identified as one where further investigation is required, the Registrar will set up a Panel of three people to carry out further investigation, including at least one external member, who will be an academic with relevant expertise from another Higher Education Institution. The Panel will normally 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.

i) The Registrar will consult the Head of Division or their delegate as to appropriate individuals to approach, to ensure sufficient subject expertise and academic experience to meet the needs of the case. Proposed panel members will be approached by the Panel Secretary to ask if they are able to serve and whether there would be any a conflict of interest or appearance of conflict of interest if they were to serve. Someone who has acted as academic adviser on the preliminary review of a referral will be considered to have a conflict of interest.

ii) As members of the Panel must have no conflict of interest in the case and must have the relevant knowledge and experience, it may not always be possible to include a Panel member from within the relevant department or faculty or one from outside the department or

faculty. Whether or not there is a conflict of interest is determined on the basis of the University's guidance on conflicts of interest<sup>9</sup> and will depend on the facts of the case. For example a limited professional acquaintance with someone who is involved in a case (e.g. the Reporter or Subject) will not necessarily amount to a conflict of interest, while a friendship or a close working collaboration is likely to.

iii) The requirement to have the appropriate knowledge and experience to evaluate the issues does not mean that all of the Panel have to have subject-specific expertise. They must have sufficient experience to understand the issues and the academic context for the matter. If it is not possible to find suitable individuals within the collegiate university the Registrar will consider whether it is possible to source appropriate panel members externally.

7. b) A date will be set for investigation interviews not less than 40 working days after the Reporter is asked for further documentary evidence (see 7(c)(i) below).

7. c) The Panel has a broad discretion to manage the investigation, but the following paragraphs describe the usual way in which the investigation will proceed. The timescales given may be extended if in the view of the Panel chair an extension would be in the interests of a full and fair investigation.

i) When a case is to be investigated further by a Panel and there is an identified Reporter, the Reporter will be given 15 working days to provide any further documentary evidence in support of their referral that they wish the Panel to consider.

ii) The Subject will be provided with the Reporter's documentary evidence and will usually be given 15 working days to provide their written response. However, in setting a deadline, the Panel will have regard to the volume of material in the referral, any particular circumstances of the Subject which are brought to their attention, and the general interest in completing an investigation as quickly as possible without compromising the principles and standards of the Code and the full and fair investigation of the matter.

iii) Other individuals who may be able to provide evidence will be contacted by the Panel Secretary with a request to provide further information, and if necessary to attend an interview.

iv) The documents from the Reporter, Subject and any other individuals will be sent to the Panel, and to the Reporter, where appropriate, and Subject in good time, usually between 7 and 10 working days, before the investigation interviews. Any relevant material will also be sent to witnesses being interviewed. The Reporter, Subject or witness may share these documents with the person accompanying them to the interview, and /or anyone advising them as well as a close family member (see Confidentiality section).

v) The Panel will usually interview each of those who has provided written material, and anyone else who they consider may be able to contribute useful evidence to the investigation. Notes will be taken at the interviews for the Panel's use. Those interviewed will be given a further five working days to send in any further material that has been requested or which they wish the Panel to see.

vi) 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

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<sup>9</sup> [Statement of policy and procedure on conflict of interest | Research Support \(ox.ac.uk\)](#)

Secretary should be informed of the identity of the accompanying person at least five working days before the interview is scheduled to take place. Anyone accompanying another person to an interview should also consider whether they have a conflict of interest before agreeing to be a companion at an interview.

vii) If necessary, Panel members may conduct further enquiries, including examination of research data or material following the interviews. Any such material which is new to the investigation will be shared with the Reporter, if appropriate, Subject and relevant witnesses if they have not already seen it.

viii) If, in the course of the investigation, further allegations or instances of misconduct in research, either by the Subject or someone else, relating to the existing case, are brought to light, the Panel will consider whether they can deal with them as part of their investigation. Evidence of further, distinct instances of misconduct in research (either unconnected to the allegations under investigation or committed by another person or persons) shall be submitted by the Panel in writing to the Registrar along with a recommendation as to whether or not they should be dealt with as part of the ongoing investigation.

ix) Following the interviews, the Panel (supported by the Panel Secretary) will prepare a draft report as soon as practicable, summarising the evidence they have seen and heard and explaining their conclusions. The report's conclusions will set out 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 any misconduct in research, either against the Subject or more generally.

x) The basis for reaching a conclusion that an individual is responsible for misconduct in research (as defined in section 3 of the Code) 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, and the standard of proof when the Panel are reaching their conclusions will be on the balance of probabilities.

xi) The Reporter and Subject will be given 10 working days to comment on the factual accuracy of the draft report; this may be extended in exceptional circumstances, if doing so would be consistent with the requirement for all parties to experience a full and fair investigation as quickly as possible. The Panel may amend any part of their report in the light of the comments received on factual accuracy. Any comments made by the Subject on the draft report not accepted by the Panel will be sent to the Registrar with the Panel's report.

### **Panel's conclusion, recommendations and Registrar's decision**

8. a) The Panel's report to the Registrar will include a summary of the written and oral evidence considered and explain the Panel's conclusions and recommendations.

8. b) If the Panel finds that there has been no misconduct in research they may nonetheless note instances of poor research practice and recommend training or mentoring or corrections to published research, or other action to correct poor research practice.

8. c) If the Panel finds that there has been misconduct in research they may make recommendations for corrective action. Examples may include corrections to or retractions of published work, training, supervision, mentoring or procedural reviews of research management. Where the Panel makes recommendations in relation to published work they will have regard to the academic and publication norms of the research area, the University's policies and procedures, the requirements of the publisher in question or discipline-specific

guidelines on best practice in publication. In cases of serious misconduct in research the Panel may recommend consideration of disciplinary action (a referral to the Proctors' Office in the case of a student). The Panel may also make recommendations in relation to notifications to third parties, publishers, funding bodies, regulatory or other agencies or other organisations, as set out in paragraph 27 of the Code.

8.d) The Panel report will be sent to the Registrar who will consider the report and decide whether to accept the conclusions and recommendations in the report. The Registrar will send an outcome letter to the Reporter and Subject, normally within 15 working days of receiving the report. Where the outcome letter is to a student, it will be a Completion of Procedures letter. A student who is dissatisfied following the completion of University procedures may make a complaint to the Office of the Independent Adjudicator within 12 months.

### **Timescales**

9. Where possible the Panel investigation will be completed within 90 days of the referral to the Registrar. However, delays may occur for a number of reasons including difficulty finding panel members in a relevant subject who do not have a conflict of interest, difficulty in identifying dates for investigation interviews, the examination of complex research data, the availability of the panel members to draft the report, or deadline extensions for the Reporter, Subject or witnesses to submit evidence or respond to the draft report. The Reporter and Subject will be kept informed of the reasons for any delay as far as possible, consistent with the protection of personal data.

### **Following the outcome of a referral to the Registrar**

10. a) Further action may be required following the Registrar's decision. Some examples of actions which may be required are identified below, based on past cases; other actions may be required in different circumstances.

i) The Subject may be required to engage with journal editors or publishers to correct or retract published material, to undergo training or work with a mentor or supervisor.

ii) A Head of Department or their nominee may have dual roles in supporting members of staff during an investigation and then enforcing follow up actions, and should seek support from the relevant HR Business Partner as necessary. The Head of Department or their nominee may need to provide support for the Reporter and / or Subject and/or witnesses, following the formal conclusion of the investigation. This may include support in taking forward recommendations or dealing with the consequences of the investigation. They may also need to identify training or a mentor or supervisor to support individuals. Where misconduct in research has been identified in a key academic publication, the Head of Department or equivalent may need to consider whether there is an impact on e.g. recognition of distinction, awards, the REF, and the individual's research career.

iii) In cases where serious misconduct in research has been identified, the Registrar may refer the investigation report to the Head of Department or the Proctors, to consider whether disciplinary procedures against the Subject are required.

iv) A Head of Department may have a role in liaising with journal editors, publishers, professional bodies or funders, or ensuring further analysis of work related to that which was the subject of the investigation, at the request of the Registrar.

Approved by Personnel Committee 6 May 2021