

Code of Practice for Enquiring into Allegations of Misconduct in relation to Academic, Research and Scientific Activities

INTRODUCTION

1. This Code of Practice will be used to investigate allegations of misconduct in relation to research and other scholarly activities. The Institute believes that it is essential for the highest standards of integrity to be observed in all research and scholarly activity. Staff and students are expected to observe policies and codes which have been published by relevant research councils and other bodies. This Code of Practice is intended to set out the Institute's expectations in this field, to provide a framework within which individual staff and students carry out their academic work, and to promulgate procedures which should be used to investigate any allegations or complaints of misconduct as defined in paragraph 7 below. A separate Code of Practice for Responding to Complaints by Research Participants about the Ethical Conduct of Research addresses the particular issues arising when a participant in a research study makes a complaint about the ethical conduct of researchers.
2. Allegations of misconduct of this sort are, fortunately, rare but the Institute takes them very seriously and will ensure that, as part of its responsibility to the public and the academic community, they will be investigated fully and the outcome of the investigations will be reported. The Institute is also committed to protecting its staff from malicious and vexatious accusations and will take action against any individual(s) responsible for such allegations.
3. This Code of Practice has been designed to reflect the need for expert knowledge to resolve complaints of academic misconduct. Where timescales are indicated it is anticipated that these will be regarded as maximum limits and that all parties will work to ensure prompt progression of the procedure.
4. This Code of Practice will be subject to review, at least every three years, and after each occasion upon which it is used.

SCOPE OF THE CODE OF PRACTICE

5. This Code of Practice applies to all employees and registered students of the Institute of Education, University of London (whether working at the Institute, or elsewhere), together with visiting researchers and fellows, research associates and any other individuals engaged in research or other scholarly activities at the Institute, or in connection with it. This Code applies if any of those referred to above are working away from the Institute either individually or as part of collaborative arrangements. It does not apply to examination or assessment offences (including plagiarism) in relation to taught programmes of study for which there are separate regulations.

6. Deans of Faculty, Heads of Department, Principal Investigators and other senior staff should ensure that all those new to research are made aware of good practice and are given appropriate help and guidance.

PRINCIPLES

7. For the purpose of this Code of Practice, misconduct means fabrication, falsification, plagiarism, attribution or deception in proposing, carrying out or reporting the results of research and deliberate, dangerous or negligent deviations from accepted practice in carrying out research or other scholarly activities. It includes failure to follow established protocols if this failure results in unreasonable risk or harm to humans or the environment, and colluding in or concealing such actions by others. It also includes the intentional, unauthorised use, the disclosure or removal of, or damage to, research-related property of another person.
8. It is not intended to cover legitimate differences in judgement in evaluating research methods or results, differences of opinion on academic matters generally, or legitimate errors in the design, execution or interpretation of research work. Nor does it apply to plagiarism or assessment offences by students on taught programmes of study. The Code is not intended to cover poor research, unless this encompasses the intention to deceive. The term misconduct will be used in this Code of Practice as defined in paragraph 7.
9. It is not intended that this Code of Practice will replace or override any of the Institute's established procedures relating to discipline, complaints or the resolution of disputes or grievances. The procedures set out in paragraphs 17 to 21 below provide a framework with which allegations of misconduct, as defined in paragraph 7 above, can be investigated promptly, thoroughly and fairly. Should the investigation reveal evidence of research or scientific misconduct appropriate action should be taken under the relevant disciplinary procedures. Disciplinary procedures for staff are available from Human Resources; those for students are set out in student handbooks and in the Calendar.
10. Investigations into alleged misconduct, using these procedures and other appropriate regulations, in relation to academic, research or scientific matters should, as far as practicable, be treated in a similar manner, wherever they occur in the Institute.
11. All allegations of misconduct will be judged on their individual merits, but, in accordance with the Institute's equal opportunities policy, all allegations will be treated equally; no disciplinary proceedings will be taken against a person who raises such a concern in good faith.

12. All investigations will be dealt with in confidence unless this is not compatible with a thorough investigation. In particular, it will be made clear to any complainants that their evidence will be needed as part of the investigation process. The principles of natural justice will be followed in a manner which is appropriate to the individual circumstances of all allegations.
13. The aim should always be to resolve potential formal complaints informally through negotiation between those individuals who are immediately concerned with the issue. Where this is not practicable for any reason or the complainant feels unable to approach the person most directly concerned, a formal complaint may be made using the procedures set out in paragraphs 17 to 21 below. If, having pursued the matter informally, the complainant believes that her/his complaint has not been appropriately, fairly or reasonably addressed, s/he may then follow the formal procedures set out in paragraphs 17 to 21 below.
14. Anonymous allegations will not normally be investigated. The Assistant Director for Research, Consultancy and Knowledge Transfer will decide how to proceed, having consulted as s(he) feels appropriate, if s(he) believes that the circumstances of an anonymous allegation justify an investigation.
15. In the event that hearings are arranged as part of an investigation of alleged misconduct, anyone asked to attend such a hearing may be accompanied by a student or a member of staff of the Institute or other host institution for individuals from outside the Institute.
16. In this Code of Practice a person who has made an allegation of misconduct is described as the complainant; any person against whom an allegation is made is described as the respondent.

PROCEDURES

17. If any member of staff or a student has evidence, or otherwise genuinely believes that misconduct has occurred, (s)he should report the matter immediately either to his/her Dean of Faculty, Head of Department, the Head of Human Resources, the Director of Administration or the Assistant Director for Research, Consultancy and Knowledge Transfer.
18. All complaints should be made in writing. If the initial report is made orally, the complainant will be asked to submit a written statement, supported, if at all possible, with documentary evidence of the alleged wrongdoing. Unless the officer receiving the report believes that it is demonstrably flawed or based on a major misunderstanding the report, and any supporting papers, should be passed immediately to the Assistant Director for Research, Consultancy and Knowledge Transfer.

19. If the Assistant Director believes that the report is based on a major misunderstanding (s)he may seek to resolve it with the person making it, but must make it clear that the report will be passed on if the complainant so insists.
20. In the event of an actual, possible or perceived conflict of interest, the Assistant Director for Research, Consultancy and Knowledge Transfer will ask the Deputy Director to act in his/her place in accordance with the procedures set out in the remainder of the Code of Practice.
21. Within five working days of receiving a report of alleged misconduct, the Assistant Director for Research, Consultancy and Knowledge Transfer, after informing the person against whom the allegation has been made, will either:
 - (i) dismiss the allegation if (s)he does not believe that it has substance, and provide a written response to the complainant to that effect with reasons for the decision; or
 - (ii) refer the complainant, in writing, to any other more suitable Institute procedure or one established by a research council or similar body, which is more appropriate to the matter raised; or
 - (iii) establish an Investigation Committee, to inquire into and report on the allegations.

INVESTIGATION

22. If the Assistant Director for Research, Consultancy and Knowledge Transfer believes that an investigation into the allegations raised is justified (s)he will establish an Investigation Committee, comprising two members, in addition to him/herself. One of the members will be a lay member of the Council, appointed by the Chair of the Council. The other member will be a senior, experienced member of the academic staff (normally a Head of Department or member of the Professoriate), who does not come from the same Faculty as either the complainant or the respondent, and who is in a position to enquire independently. The Assistant Director shall also appoint a Secretary to the Investigation Committee from amongst the Institute's senior administrative staff not previously involved with the complaint.
23. At the same time as establishing an Investigation Committee the Assistant Director for Research, Consultancy and Knowledge Transfer will inform any sponsoring body, in confidence, and the Head(s) of Department(s) concerned, of the allegation.
24. When (s)he decides to establish an Investigation Committee, the Assistant Director for Research, Consultancy and Knowledge Transfer will notify the respondent, in writing, stating the nature of the allegation. The Assistant Director at this time has the authority to obtain and hold any relevant materials or records, including computer disks. These

must be stored in a secure location. The complainant will be informed in writing of the action being taken.

25. The Investigation Committee shall, as part of its investigation, examine all relevant documents and files (including computer files), interview the complainant and the respondent and either interview or obtain written statements from any witnesses or others with knowledge of the alleged misconduct.
26. The complainant and the respondent will each be interviewed by the committee, and will be asked to sign an agreed account of the interview within five working days. Both the complainant and the respondent may be accompanied by a student or a member of staff of the Institute or other host institution for individuals from outside the Institute, who may speak during the hearing, but only in the role of a supporter.
27. Subject to the above, and following the rules of natural justice, the Investigation Committee may determine its own procedure. Should a respondent refuse or fail to co-operate in the investigation process in any way, there will be immediate referral to the appropriate disciplinary procedures.

FINDINGS

28. The Investigation Committee will normally be required to prepare a written report within 40 working days of its establishment. If this requirement is not compatible with a fair and thorough investigation, the Assistant Director for Research, Consultancy and Knowledge Transfer may extend the period of the investigation.
29. The written report of the Investigation Committee must state how the investigation was conducted, describe how and from whom information was obtained relevant to the investigation, state the findings, explain the basis for the findings, and contain an accurate summary of the views of any individual(s) alleged to have engaged in misconduct.
30. The respondent(s) will be given a copy of the report and evidence considered by the Investigation Committee and an opportunity to comment on its factual accuracy. Comments from the respondent(s) must be submitted to the Assistant Director for Research, Consultancy and Knowledge Transfer within 10 working days of receipt of the report and shall then be attached as an addendum to the report. If the respondent requests it, a meeting will be convened at which the Assistant Director for Research, Consultancy and Knowledge Transfer and at least one other member of the Investigation Committee and the respondent (and his/her representative) will be present. The purpose of this meeting will be to allow the respondent to challenge any parts of the report which (s)he believes to be factually incorrect or unsubstantiated. A record of this meeting will be appended to the report of the Investigation Committee.

31. Where a complaint is not upheld, the complainant will be so informed in writing, with reasons for the decision. Subject to paragraph 30 above, the decision of the Investigation Committee will not be open to appeal.

SANCTIONS

32. If the Investigation Committee establishes a prima facie case of misconduct, action will then be taken under the appropriate disciplinary procedures. Anyone found guilty of misconduct through the disciplinary procedures will have a right of appeal, as set out in those procedures.
33. In addition to the normal possible outcome of the Institute's disciplinary procedures, the following sanctions may be considered if an allegation of scientific misconduct is substantiated:
 - (i) letter of reprimand;
 - (ii) withdrawal of funding;
 - (iii) requiring the withdrawal or correction of pending or published abstracts and papers emanating from the research in question;
 - (iv) changes to the staffing of the particular project;
 - (v) special monitoring of future work.

Funding bodies may also impose sanctions in these circumstances.

RESTORATION OF REPUTATIONS

34. The Institute will take all reasonable action to restore the reputation of the respondent if the respondent is not found guilty of misconduct and will consult the respondent to ensure that appropriate publicity is given to this outcome.
35. The Assistant Director for Research, Consultancy and Knowledge Transfer has the authority to require that all reference to the matter is removed from the respondent's personal file. All persons who have been interviewed or otherwise informed of the charge will be notified in writing that the charges have been found to be without foundation. Respondents will be consulted regarding other actions that might be taken on their behalf to restore their reputations.

FURTHER ACTIONS

36. Where the Investigating Committee concludes that there may have been a failure of the Institute's procedures, this should be stated in the report of the Committee. The report of the Investigating Committee, together with any attachments, will be forwarded to the Research, Consultancy and Knowledge Transfer Committee.
37. Where the Investigating Committee finds that there has been a failure of Institute procedures, the Assistant Director for Research,

Consultancy and Knowledge Transfer will review the procedures to minimise the potential for future misconduct.

MALICIOUS ACCUSATIONS

38. Where the outcome of an investigation or appeal stage indicates that an allegation may not have been made in good faith, the Institute may pursue disciplinary action against the complainant where (s)he is employed by, or is a registered student of, the Institute, or take action as appropriate against an external complainant.

Approved by Council: 21 June 2005

Revised and approved by Senate 6 June 2007