

## **Regulations on Research Misconduct**

### **1 Scope and purpose**

(a) These regulations apply to all members of the University involved in research, including staff and undergraduate and postgraduate students. They also apply to those who are not members of the University, but who are conducting research on the University's premises, under the University's auspices or using the University's research facilities.

(b) These regulations set out the procedure for the consideration and investigation of allegations of research misconduct. The Decision Maker for this purpose shall be the Pro Vice-Chancellor for Research and Innovation (who has overall responsibility for the proper conduct of research at the University) or the Deputy Vice-Chancellor where the Pro Vice-Chancellor is for any reason unable to act.

(c) Where appropriate and at the discretion of the Decision Maker, these regulations may also be applied to former staff and students of the University.

(d) The University has a responsibility to investigate allegations of research misconduct fully and expeditiously. It also has a responsibility to protect researchers from malicious, mischievous, or frivolous allegations.

### **2 Definition of research misconduct**

(a) The University has adopted the definition of research misconduct in the [Concordat to Support Research Integrity](#) and set out in Annex 1. Research misconduct may be deliberate, reckless or negligent.

(b) Allegations of fraud or other misuse of research funds or research equipment will be dealt with under the University's financial regulations.

(c) Where allegations of research misconduct include allegations of bullying or harassment, those allegations will be referred to the appropriate procedure as set out in the [Acceptable Behaviour Policy Statement](#).

### **3 Reporting suspected research misconduct**

(a) The primary route for reporting allegations of research misconduct is by submitting a report via [this form](#) for external reporters, or via [OREMS](#) for staff and students. (N.B. For students other processes may be more appropriate before or instead of Research Misconduct reporting, see section (f) below.)

(b) The Decision Maker may accept reports of suspected research misconduct in any form, but sufficient information must be provided to enable proper consideration of the allegations made. This will normally include full details of the alleged misconduct, the names of individuals involved, a timeline of dates, a clear explanation of the allegations, and copies of any relevant evidence, annotated as necessary. The identity of individuals who may be able to provide additional information should also be included where appropriate.

(c) On receipt of a report of alleged research misconduct a member of the of Research Governance team or Legal Services will consider whether the allegations fall within the definition of research misconduct, whether any other organisations are involved and whether sufficient information has been received and will report the findings to the Decision Maker within four weeks of the allegations being received. If the allegations do not fall within the definition of research misconduct, consideration will be given as to whether there is an alternative appropriate procedure to consider the allegations.

(d) The Decision Maker shall not be under an obligation to investigate allegations of misconduct that do not fall within the definition of research misconduct or do not provide sufficient information to enable proper consideration.

(e) On receipt of the initial report from Research Governance or Legal Services, the Decision Maker will either decide that no investigation is required and the matter will be closed, that a full investigation is required as set out under section 7 or request a preliminary assessment under section 5. In all cases, the person making the report will be informed of this decision.

(f) Other routes for consideration of allegations include:

- Any report relating to work undertaken by one or more students, in the pursuit of a qualification, should be addressed under the relevant academic process such as the [Assessment Regulations](#);
- Any report relating to work intended for research outputs (e.g. publication, conference) and/or conducted by those in receipt of research funding should be addressed under these Regulations;
- Any report relating to the rights or safety of participants should be referred directly to [research-ethics@bristol.ac.uk](mailto:research-ethics@bristol.ac.uk) for further consideration. Any report which relates to inappropriate behaviour should be addressed under the relevant procedure as set out in the [Acceptable Behaviour Policy Statement](#)

(g) In cases relating to the attribution of authorship, conflicts may arise due to misunderstandings relating to the requirements of authorship. In such cases, it may be appropriate for the Decision Maker to arrange an initial meeting with the parties involved to ensure a mutual understanding before proceeding further under these Regulations. Guidance relating to authorship can be found here: [www.bristol.ac.uk/red/research-governance/authorship/](http://www.bristol.ac.uk/red/research-governance/authorship/)

(h) University staff dealing with complaints raised through other routes (for example under the Whistleblowing Policy or a procedure set out in the Acceptable Behaviour Policy Statement) should consider whether any such complaint constitutes or includes an allegation of research misconduct, as defined by these regulations. If so, the relevant information should be referred directly to [research-misconduct@bristol.ac.uk](mailto:research-misconduct@bristol.ac.uk) for further consideration.

#### **4 Duty to inform funding bodies**

(a) Where the person against whom the allegation has been made is in receipt of external grant funding, the Decision Maker is under a continuing duty to consider whether notification should be made to the relevant funding body at any time or times during the application of these Regulations. This duty also applies where the person accused is in receipt of funding in respect of research that is not the subject of the allegation. For research involving USPHS funds the University will adhere to the approach for dealing with and reporting possible research misconduct as outlined in the statement for foreign institutions signed by the PVC for Research and Innovation.

(b) In considering the duty under (a) above, the Decision Maker shall have regard to any requirements or guidance issued by the funding body or contained in the grant agreement. Further information about the requirement to report to funding bodies in the course of research can be found here: [Research Integrity Funder Reporting Requirements - During Research | Division of Research, Enterprise and Innovation | University of Bristol](#)

(c) The Decision Maker, in consultation with the Head of School or dean of the faculty, shall also consider whether notification should be made to any funding body to which the person accused may have a current grant application in progress. Further information about the requirement to report to funding bodies at the application stage can be found here: [Research Integrity Funder Reporting Requirements - Application Stage | Division of Research, Enterprise and Innovation | University of Bristol](#)

(d) Notification to funding bodies will normally be the responsibility of the Head of Research Governance.

## **5 Preliminary Assessment**

(a) The Decision Maker may at their discretion, and with the assistance of the Head of Research Governance where necessary, seek a preliminary assessment from a senior academic with appropriate knowledge and expertise who is independent from the person accused (and has no personal or professional connection with that person) to assist the Decision Maker to decide whether a formal investigation is required, for example in cases where the area of study is unfamiliar to the Decision Maker.

(b) The preliminary assessment will be carried out in strict confidence and should normally be completed within 30 days. The person undertaking the assessment is not required to determine whether there has been research misconduct but only to comment on the nature of the allegations and to consider and advise whether there may be any substance to them.

## **6 Confidentiality**

(a) All parties involved in the application of these Regulations, including the Decision Maker, the person responsible for the allegations, the person accused, any witnesses and those investigating the allegations must maintain strict confidentiality for the protection of all involved and to ensure a fair process.

(b) Notwithstanding this expectation of confidentiality, it may be appropriate for certain confidential information to be shared with third parties, as set out below.

(c) The Decision Maker may disclose information to the Head of School or dean of the faculty to ensure that:

- i. The person accused has access to support
- ii. The person making the allegations (if a member of the University) has access to support
- iii. Consideration is given to whether any current applications for grant funding by the person accused should be paused while the allegations are investigated
- iv. Any matters required to be reported to the Office for Students are notified accordingly

(d) Both the complainant and the person accused may disclose information:

- i. to professional advisers, including trade union representatives and the Bristol Student Union Academic Advice Service, for the purpose of obtaining advice
- ii. to family members (on the basis that those family members maintain confidentiality)
- iii. to University support services for the purpose of obtaining guidance and support.

## **7 Formal Investigation**

(a) Where it has been determined that a formal investigation is required, the Decision Maker will appoint a panel to investigate the allegations. The panel will normally be appointed within 30 days of the Decision Maker deciding that a full investigation is required.

(b) The panel shall consist of at least three members: someone unconnected with the allegation who is a member of the school or faculty, a member of the University from outside the school or faculty and a member of the Board of Trustees, who shall chair the panel. Members of the panel must be impartial and unbiased. At least one member should have expert knowledge of the area of research involved.

(c) Where it is not possible to meet these requirements from within the University, a panel member may be appointed from another higher education institution, under the same expectations of confidentiality.

(d) The individual or individuals against whom the allegation is made shall be informed of the decision to appoint a panel and shall be given the opportunity to comment on the proposed membership of the panel. The Decision Maker shall consider any comments received before confirming the membership of the panel.

(e) The panel shall take all reasonable steps to preserve the anonymity of the person or persons accused and the person or persons making the allegation, unless this would compromise the investigation. All reasonable steps must be taken to ensure that the investigation is undertaken as expeditiously as possible. The panel may seek legal advice.

(f) The panel shall require the production of such records as are necessary to enable the investigation to proceed and shall secure their safekeeping. The panel may interview the person or persons accused and the person or persons making the allegation, together with anyone else who may have relevant information. Anyone attending for interview may be

accompanied by a friend or representative. A member of Legal Services will serve as clerk to the panel.

(g) The investigation will normally be completed within 30 days of the appointment of the panel.

## **8 Report of the investigation**

(a) The panel shall prepare a report setting out the evidence received, accounts of any interviews conducted and the panel's conclusions and recommendations. The person or persons accused of research misconduct shall have an opportunity to comment on the report. The report and any comments received from the person or persons accused shall be submitted to the Decision Maker.

(b) The panel may also make general recommendations to promote best practice in the conduct of research and any such recommendations shall be brought to the attention of the Research Committee or Ethics of Research Committee as appropriate and may be referred by those Committees to Senate and the Board of Trustees if necessary.

## **9 Conclusion of the investigation**

(a) On receipt of the investigation report, the Decision Maker shall proceed as follows:

- i. Where the panel has found no evidence of misconduct, the complaint shall be dismissed.
- ii. Where a complaint is upheld, but the offence is found to be insufficiently serious to warrant formal disciplinary proceedings, the matter may be referred to the head of school or other appropriate individual for resolution.
- iii. If the investigation has uncovered prima facie evidence of serious research misconduct and that there is therefore a case to answer, the matter shall be dealt with under the appropriate disciplinary procedures. Action may be taken in respect of members of staff under the Staff Conduct Procedure (Ordinance 10) and in respect of students under the Student Disciplinary Regulations. The outcome of any investigation under these Regulations shall stand as the outcome of the disciplinary investigation for this purpose. There is a right of appeal under both Ordinance 10 and the Student Disciplinary Regulations.

(b) The outcome of the investigation will be communicated to the person accused, with a copy of the final version of the report, as soon as reasonably practicable after the conclusion of the investigation.

(c) If the Decision Maker considers it appropriate to do so, the outcome will also be communicated to the person or persons responsible for the allegations, but such persons shall not be entitled to a copy of the report of the investigation, for reasons of confidentiality.

(d) Where the individual against whom the allegation has been made is in receipt of external grant funding, the Decision Maker will notify the relevant funding body or bodies of the outcome of the investigation as provided in section 4 of these Regulations.

## **10 Notification to third parties**

(a) In cases where the outcome implicates a person who is not subject to the University's disciplinary procedures, for example where the person is no longer a member of the University, the Decision Maker shall bring the report to the attention of any appropriate disciplinary or other body.

(b) If the Decision Maker finds the allegations to have been malicious or mischievous in nature, and if the person or persons making the allegations are members of the University, the Decision Maker shall consider whether further action should be taken and if so, shall refer the matter to be dealt with under the appropriate disciplinary procedures.

(c) In the event of a finding of misconduct, where the person accused is subject to the regulation of a professional body such as the General Medical Council, the Decision Maker shall consider whether it is appropriate to inform the professional body of any finding.

(d) Where the person responsible has published research, especially research to which the misconduct relates, the Decision Maker shall consider whether it is appropriate to inform journal editors or others of any finding.

## Annex 1

### Definition of research misconduct

As defined in the Concordat to Support Research Integrity, research misconduct can take many forms, whether deliberate, reckless or negligent, including:

- 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
- falsification: inappropriately manipulating and/or selecting research processes, materials, equipment, data, imagery and/or consents
- plagiarism: using other people's ideas, intellectual property or work (written or otherwise) without acknowledgement or permission
- failure to meet: legal, ethical and professional obligations, for example:
  - o not observing legal, ethical and other requirements for human research participants, animal subjects, or human organs or tissue used in research, or for the protection of the environment
  - o breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent
  - o misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality
  - o improper conduct in peer review of research proposals, results or manuscripts submitted for publication. This includes failure to disclose conflicts of interest; inadequate disclosure of clearly limited competence; misappropriation of the content of material; and breach of confidentiality or abuse of material provided in confidence for the purposes of peer review
- misrepresentation of:
  - o data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data
  - o involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution
  - o interests, including failure to declare competing interests of researchers or funders of a study
  - o qualifications, experience and/or credentials
  - o publication history, through undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication
- improper dealing with allegations of misconduct: failing to address possible infringements, such as attempts to cover up misconduct and reprisals against whistle-blowers, or failing to adhere appropriately to agreed procedures in the investigation of alleged research misconduct accepted as a condition of funding. Improper dealing with allegations of misconduct includes the inappropriate censoring of parties through the use of legal instruments, such as non-disclosure agreements.

Honest errors and differences in, for example, research methodology or interpretations, do not constitute research misconduct.

## Annex 2

Allegations of 'Plagiarism' The Concordat to Support Research Integrity definition of plagiarism is “using other people’s ideas, intellectual property or work (written or otherwise) without acknowledgement or permission”. Investigations of any allegation of ‘plagiarism’ should take this broader definition into account – and not rely entirely on textual comparison.