Research Ethics and Research Governance at Lancaster: Procedures for the Investigation of Misconduct of Research

(GAP/2009/0522 – approved by Senate 27 May 2009)

1. Introduction

These Procedures outline the action to be taken when allegations of misconduct in research are brought against any present or past student or member of staff of the University in respect of research undertaken while registered with or employed by the University. They should be read in conjunction with any other Codes of Conduct that apply to individuals at the University.

2. Misconduct in research

2.1 Institutional context

The University is committed to ethical behaviour by all its members, both in relation to other members of the university, to other scholars, and to external parties including international research groups and research journals. If an individual researcher fails to meet the obligations set out in the university’s code of practice, or an allegation of misconduct is made, the procedure outlined below will be followed.

2.2 Whistleblowing

A separate procedure is in place to cover whistleblowing, in particular, there are safeguards for employees of the university who make disclosures or complaints (Statute 22 and Ordinance 8 available from the Research Support Office or http://www.lancs.ac.uk/depts/research/lancaster/ethics.htm)

2.3 Procedure

The procedure will follow the principles of the UK Research Integrity Office Procedure for the Investigation of Misconduct in Research (Appendix 1). Complaints and disclosures will be dealt with as quickly and efficiently as possible (without detriment to the process).

2.4 Initial contact

Any person, whether a member of the University, a representative of a relevant external party, or other third party who has reasonable grounds for believing misconduct has taken place, who wishes to make a disclosure or complaint in relation to an alleged or suspected offence as defined in the University’s code of
practice, shall in the first instance be referred to the Pro-Vice-Chancellor (Research), or, in the absence of the Pro-Vice-Chancellor (Research), the Head of Governance Services.

The Pro-Vice-Chancellor (Research), shall review the nature of the allegations and where they concern situations that require immediate action to prevent further risk of harm to staff, participants or other persons, suffering to animals or negative environmental consequences, take immediate appropriate action to ensure any such potential or actual danger/illegal activity/risk is prevented or eliminated (making it clear that these actions do not indicate that the allegation is considered to be true). In the light of informal and confidential soundings as he or she deems fitting, including with the member(s) of staff concerned, the Pro-Vice-Chancellor (Research) shall decide, in discussion with the Director of Human Resources and the Head of Research Services if appropriate:

i. to dismiss the disclosure or complaint, recording in writing the reasons for doing so (for example the allegations are mistaken, frivolous, vexatious or malicious); or

ii. that the situation is not serious in nature and may be resolved by informal discussion, education and training, and/or arbitration and/or dispute resolution without the requirement for a formal investigation; or

iii. to refer the disclosure or complaint to an investigatory panel (see 2.5 below); or

iv. to ask the Vice-Chancellor, in the light of the seriousness of the disclosure or complaint, to initiate the procedures under serious disciplinary matters (Statute 20, Part III, 14ff).

2.5 Investigatory panel

If the Pro-Vice-Chancellor (Research) decides to set up an investigatory panel, he or she shall invite three members of the University’s Research Ethics Committees, who are not involved with the person or his/her/their work about whom the complaint or disclosure has been made, to constitute such a panel. The panel members shall between them decide who is to take the chair of the panel. The proceedings of the panel shall be strictly confidential, a written report of them shall be made, and the business shall be conducted as expeditiously as possible.

The panel shall invite the person concerned to attend in person, and shall inform him of her in advance about the substance of the disclosure or complaint. Written statements shall be presented to the panel, who shall have the right to invite relevant persons to attend and give evidence if appropriate.

The person about whom the complaint or disclosure has been made may be accompanied by a friend, whether such person be legally qualified or not, and may submit a written statement in advance of the hearing. He/she shall be given a full and fair hearing, and has a right to call witnesses and question them. Once the hearing has been concluded, whether at a single session or at one or more hearings, the panel shall consider all the evidence presented to it and may:
i. dismiss the complaint or disclosure, giving reasons in writing for so doing;
ii. advise the head of department in writing, with a copy to the Director of Human Resources, that it has established a *prima facie* case that warrants initiation of the disciplinary procedures.

The head of department, in considering (ii), shall have access to the written report by the panel.

If a relevant external body or individual has made the initial complaint or disclosure, the representative of such a body or that person shall be notified in writing of the outcome on a strictly confidential basis i.e. the information may not in turn be transmitted to other parties.

2.6 Disciplinary procedures

The disciplinary procedures referred to in 2.5 (ii) shall be those set out in Statute 20, Parts III and V that apply to those members of the university referred to in Statute 20 (3).

Any matters concerning non-academic members of staff shall be dealt with, after investigation as set out above, under the disciplinary procedures approved by the Council for non-academic staff.

2.7 Changes to Disciplinary procedures

Any changes made to the procedures under 2.6 that postdate the approval of the present document shall be substituted for the procedures set out above.
Appendix 1: UKRIO, Procedure for the Investigation of Misconduct in Research: Principles

The full document can be downloaded from:
http://ukrio.org/publications/misconduct-investigation-procedure/