

**Code of Practice for Inquiring 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 College 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 statements which have been published by relevant research councils and other bodies; this Code of Practice is intended to set out the College'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 para 7 below.
2. Allegations of misconduct of this sort are, fortunately, rare but the College takes them very seriously and will ensure that, as part of its responsibility to Parliament, the public and the academic community, they will be investigated fully and the outcome of the investigations will be reported. The College is also committed to protecting its staff from malicious 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 regular review.

SCOPE OF THE CODE OF PRACTICE

5. This Code of Practice applies to all employees and registered students of Royal Holloway, University of London (whether working at Royal Holloway, or elsewhere), together with visiting researchers and fellows, research associates and any other individuals engaged in research or other scholarly activities at the College, or in connection with it. This Code does not apply to examination or assessment offences (including plagiarism) in relation to taught programmes of study for which there are separate regulations.

6. It is important that Heads of Department, Principal Investigators and other senior staff 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, other vertebrates 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 honest differences in judgement in evaluating research methods or results, differences of opinion on academic matters generally, or honest 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 para 7.
9. It is not intended that this Code of Practice will replace or override any of the College's established procedures relating to discipline, complaints or the resolution of disputes or grievances. The procedures set out in paras 16 and 17 below provide a framework with which allegations of misconduct, as defined in para 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 appropriate disciplinary procedures. Disciplinary procedures for staff are available from the Personnel Office; those for students are set out in the Student Handbook.
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 College.
11. All allegations of misconduct will be judged on their individual merits, but, in accordance with the College'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. Anonymous allegations will not normally be investigated. The College Secretary and a Vice-Principal will decide how to proceed, having consulted as they feel appropriate, if they believe that the circumstances of an anonymous allegation justify an investigation.
14. 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 of the College or a member of staff of the College.
15. 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

16. If any member of staff or student has evidence or otherwise genuinely believes that misconduct has occurred (s)he should report the matter immediately either to his/her Head of Department, the Head of Personnel or the Dean of Students. If the initial report is made orally, the person making it should 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 copied immediately to the College Secretary, who will refer it to a Vice-Principal. If the officer receiving the complaint 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.
17. Within five working days of receiving a report of alleged misconduct, the Vice-Principal, 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 College 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

18. If the Vice-Principal believes that an investigation into the allegations raised is justified (s)he will appoint an Investigation Committee, comprising three members, including a chair. The Chair of the Investigation Committee will be a senior, experienced member

of the academic teaching staff (normally a Dean, Head of Department or member of the Professoriate), who does not come from the same department as either the complainant or the respondent, and who is in a position to enquire independently. The other staff members will be from departments other than that of the staff member(s) against whom the allegations have been made, though at least one member of the committee should have sufficient knowledge and experience in a related field of study. If this cannot be achieved without the possibility of a conflict of interest the Vice-Principal may consider the co-option of a further member, or members, with relevant expertise from outside the College.

19. At the same time as appointing an Investigation Committee the Vice-Principal will inform any sponsoring body, in confidence, and the Head of Department concerned, of the allegation.
20. When (s)he decides to establish an Investigation Committee, the Vice-Principal will notify the respondent, in writing, stating the nature of the allegation. The Vice-Principal 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.
21. 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. 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 another member of staff or student of the College. 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.
22. The Investigation Committee will normally be required to prepare a written report for the Vice-Principal within 40 working days of its establishment. If this requirement is not compatible with a fair and thorough investigation, the Vice-Principal may extend the period of the investigation.
23. 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.
24. The respondent(s) will be given a copy of the report and evidence considered by the Investigation Committee and an opportunity to comment on the report. Comments from the respondent(s) must be submitted to the Vice-Principal 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 Chairman and at least one other member of the Investigation Committee and 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.

25. 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.

SANCTIONS

26. In addition to the normal possible outcome of the College's disciplinary procedures, the following sanctions may be considered if an allegation of scientific misconduct is substantiated:
 - letter of reprimand;
 - withdrawal of funding;
 - requiring the withdrawal or correction of pending or published abstracts and papers emanating from the research in question;
 - changes to the staffing of the particular project;
 - special monitoring of future work.

Funding bodies may also impose sanctions in these circumstances.

RESTORATION OF REPUTATIONS

27. The College 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.
28. The Vice-Principal will ensure 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.

MALICIOUS ACCUSATIONS

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

M A Miller
College Secretary

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