

Research Misconduct Procedure

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1 Research at Goldsmiths

1.1 As a research-intensive university, Goldsmiths is committed to the highest standards of research across all our disciplines, spanning the Arts, Humanities, Social Sciences, Psychology and Computing. The nature of our research and its outputs is correspondingly diverse, ranging from books and articles to artistic productions of all kinds, community projects worldwide and many-layered collaborations, often experimental and challenging in their ethical demands. While such research does not always readily map onto the methods of scientific and clinical research, the principles of good research conduct apply to everything we do at Goldsmiths: indeed we go further in asserting that considerations of research integrity and ethics are intrinsic to the planning, enactment and dissemination of the best research.

1.2 Research Integrity at Goldsmiths is overseen by the Research Ethics and Integrity Sub-Committee (REISC). In June 2017 Goldsmiths adopted the UK Research and Integrity Office's current Code of Practice for Research as its institutional code in relation to research ethics and integrity. In line with the provisions in The Concordat to Support Research Integrity and in accordance with the UKRI Policy and Guidelines on Governance of Good Research Conduct, Goldsmiths is signed up to the five commitments:

- **Upholding the highest standards of rigour and integrity in all aspects of research, including the five core elements:**
 - **Honesty** in all aspects of research, including in the presentation of research goals, intentions and findings; in reporting on research methods and procedures; in gathering data; in using and acknowledging the work of other researchers; and in conveying valid interpretations and making justifiable claims based on research findings.
 - **Rigour**, in line with prevailing disciplinary norms and standards, and in performing research and using appropriate methods; in adhering to an agreed protocol where appropriate; in drawing interpretations and conclusions from the research; and in communicating the results.
 - **Transparency** and open communication in declaring potential competing interests; in the reporting of research data collection methods; in the analysis and interpretation of data; in making research findings widely available, which includes publishing or otherwise sharing negative or null results to recognise their value as part of the research process; and in presenting the work to other researchers and to the public.

- **Care and respect** for all participants in research, and for the subjects, users and beneficiaries of research, including humans, animals, the environment and cultural objects. Those engaged with research must also show care and respect for the integrity of the research record.
 - **Accountability** of funders, employers and researchers to collectively create a research environment in which individuals and organisations are empowered and enabled to own the research process. Those engaged with research must also ensure that individuals and organisations are held to account when behaviour falls short of the standards set by this concordat.
- **Ensuring that research is conducted according to appropriate ethical, legal and professional frameworks, obligations and standards**
 - **Supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers**
 - **Using transparent, timely, robust and fair processes to deal with allegations of research misconduct when they arise**
 - **Working together to strengthen the integrity of research and to reviewing progress regularly and openly**
- 1.3 The present procedure directly addresses commitment 4. With regard to commitment 5, the procedure itself will be reviewed on a three-yearly cycle. Its implementation will be reviewed annually in association with the annual Research Integrity report.
- 1.4 More broadly, the procedure should be viewed as part of the continual development of a culture which supports honesty and best practice in research through good example and an active programme of training, especially for those at the start of a research career; while vigorously discouraging unacceptable behaviour by dealing with allegations seriously and fairly, and by taking robust action where misconduct is discovered.

2 The duty to report research misconduct

- 2.1 Goldsmiths recognizes that research misconduct is a serious matter that can in extreme cases have far-reaching consequences. It can cause harm (for example to individuals, the public in general or to the environment); it damages the credibility of research and undermines the research record; it wastes resources. Research misconduct could also damage the reputation of a Department or Goldsmiths as a whole.

- 2.2 It is a fundamental expectation of staff and PGR students, and of anyone connected with Goldsmiths research, that they report research misconduct where they have good reason to believe it is occurring. This is never an easy thing to do, not least given the innate structures of academic life. Goldsmiths seeks to make such disclosure as straightforward as possible, and anyone with any concerns may wish to seek advice within their Department in the first place: for example, via the departmental Ethics and Integrity Lead, departmental Director of Research or Head of Department; or additionally (in the case of students) through their supervisor, departmental PGR co-ordinator, Dean of Graduate School or Students' Union.
- 2.3 Informal, confidential advice can be sought from the Chair of the Research Ethics and Integrity Sub-Committee (REISC) at any time. Further guidance and links are provided on the [Research Ethics and Integrity](#) page of the Goldsmiths website.
- 2.4 Formal allegations should be made to the Chair of REISC according to Stage 1 below. Anyone with reservations about reporting suspected academic misconduct directly may submit an allegation via one of the persons mentioned above, who acts as an intermediary.

It is important to stress that no-one making an allegation will be penalised in any way, provided the allegation is made in good faith and without malice.

- 2.5 If an allegation of research misconduct is raised under Goldsmiths' [Whistleblowing Policy](#) or through any other route, it will be investigated under the present procedure.

3 Definitions of research misconduct

- 3.1 Research misconduct can take many forms, 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:
 - 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
 - breach of duty of care for humans involved in research whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent

- misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality
- 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:**
 - data, including suppression of relevant results/data or knowingly, recklessly or by gross negligence presenting a flawed interpretation of data
 - involvement, including inappropriate claims to authorship or attribution of work and denial of authorship/attribution to persons who have made an appropriate contribution
 - interests, including failure to declare competing interests of researchers or funders of a study
 - qualifications, experience and/or credentials
 - 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.

- 3.2 Honest errors and differences in, for example, research methodology or interpretations do not constitute research misconduct. For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission. In addition, the standards by which allegations of misconduct in research should be judged should be those prevailing in the country in question and at the date that the behaviour under investigation took place.
- 3.3 The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgement that there was an intention to commit the misconduct and/or recklessness in the conduct of any aspect of a research project.
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4 Scope of investigation

- 4.1 This procedure applies to any person conducting research under the auspices of Goldsmiths who is not a student, including (but not limited to) members of staff under any contractual arrangement, emeritus or visiting researchers, and independent consultants.
- 4.2 The procedure may be enacted even when an individual concerned has left the jurisdiction of Goldsmiths, in relation to research previously carried out there.
- 4.3 Proven research misconduct may result in action being taken under Goldsmiths' [staff disciplinary procedures](#). Reports generated by the research misconduct procedure may be used as evidence in such cases, but this is an academic rather than a legal process and does not in itself constitute a disciplinary proceeding.
- 4.4 Financial fraud or other misuse of research funds or equipment may be addressed by the relevant [financial policies](#) rather than investigated under the current procedure.
- 4.5 Goldsmiths' Statutes and Ordinances – including the rights of the university, of members of staff and of students – take precedence over anything set out in this procedure.

Goldsmiths' Investigation Procedure

In view of the seriousness of research misconduct, Goldsmiths recognizes that any investigation must be conducted in accordance with the highest standards of integrity, accuracy and fairness. All proceedings must be conducted under the presumption of innocence and carried out with sensitivity and confidentiality at all times, following the principles of Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance as defined in Annex 1 of the UKRIO *Procedure for the Investigation of Misconduct in Research*.

5 Making an Allegation

- 5.1 Making an Allegation Allegations of misconduct may be made by any person, whether a current or former staff-member or student of Goldsmiths, or external to the university. Normally it is expected that the person making the allegation will be willing to be named during the procedure, but (as indicated in paragraph 2.4) an allegation may be made by an intermediary where the individual has reservations about making an allegation directly. Again, it should be stressed that no-one making an allegation will be penalised in any way, provided the allegation is made in good faith and without malice.
- 5.2 The 'Complainant' referred to in this procedure is the person making an allegation of research misconduct. The 'Respondent' is the person against whom an allegation of research misconduct is made.
- 5.3 Allegations detailing the nature of the suspected misconduct should be made in writing and signed with a postal address. Any allegation should be sent to the Chair of REISC (who acts as the 'named person' in the UKRIO *Procedure for the Investigation of Misconduct in Research*).
- 5.4 Should the allegation directly concern the Chair of REISC, it should be sent to the Deputy Chair of REISC (who acts as the alternate 'named person').
- 5.5 On receipt of an allegation of academic misconduct, the Chair of REISC will inform – in confidence – the Pro-Warden Research and Enterprise (in the case of staff), the Dean of the Graduate School (in the case of a PGR student) or the Academic Registrar (in the case of other students). The allegation will be securely and confidentially logged by the Secretary of REISC in Research Services.
- 5.6 The Chair of REISC will notify the Complainant in writing that the allegation has been received.

6 Stage 1a: Preliminary Steps

- 6.1 It is expected that Stage 1 should normally be completed within 10 days of receipt of the written allegation.
- 6.2 The Chair of REISC will make a preliminary assessment of whether the allegation can be considered further under this procedure, or whether it should be progressed under a different procedure. If the complaint refers to student research misconduct, it should be referred to the student Academic Misconduct process; if it involves both staff and students, parallel investigations may be required.

- 6.3 In any case, the Chair of REISC will inform the Complainant of the next steps to be followed.
- 6.4 If the present procedure is to be followed, the Chair of REISC will inform the Respondent in confidence that an allegation of research misconduct has been made. A summary of the allegation in writing will be given to the Respondent, together with a link to this procedure, outlining the opportunities for the Respondent to respond and a timetable relating to the Screening stage.

The Chair of REISC should emphasise to all parties that the allegation is to be investigated, is as yet unproven and that the information is confidential. All proceedings will be conducted under the presumption of innocence.

7 Stage 1b: Pre-screening Stage

- 7.1 The Chair of REISC will assess, in consultation with HR and other relevant departments, whether immediate action should be taken - for example, if a criminal offence may be involved, or if there is a risk of harm to others or to the environment.
- 7.2 The Chair of REISC will also check with Research Services if there are any contractual stipulations requiring disclosure of allegations of academic misconduct. It is not expected that research funders will be notified of an allegation at this stage.
- 7.3 If Goldsmiths is not the Respondent's primary employer, the Chair of REISC will contact the Named Person of the Respondent's primary employer and inform them of the allegations.
- 7.4 The Chair of REISC will take steps to ensure that all relevant evidence pertaining to the allegation of academic misconduct is secured for future investigation, preferably through the confidential log in Research Services.

The Chair of REISC should reassure the Respondent that, given the presumption of innocence, none of these actions is part of any disciplinary action, and the allegations are not believed by Goldsmiths to be true at this stage.

8 Stage 2: Screening

- 8.1 Normally within ten working days of the receipt of an allegation, the Chair of REISC will initiate the screening stage.
- 8.2 The purpose of the screening stage is to determine whether there is *prima facie* evidence of misconduct in research, sufficient to warrant a formal investigation.
- 8.3 The Chair of REISC will appoint a Screening Panel, consisting of three senior members of research staff unconnected with the Respondent's department or research (from a previously selected and trained group of staff), and identify a Chair.
- 8.4 Members of the Screening Panel should declare in writing to the Chair of REISC that they will adhere to the principles of the procedure including confidentiality (in accordance with Annex 1 of the UKRIO *Procedure for the Investigation of Misconduct in Research*), that they will follow the processes set out in the present document, and that their participation involves no conflict of interest.
- 8.5 Administrative support will be provided by the Secretary of REISC, who will arrange meetings, maintain documentation and take minutes as appropriate.
- 8.6 The Chair of REISC will inform the Respondent in writing that
- An allegation of misconduct in research has been made against them;
 - It will be investigated under Stage 2 of this Procedure by a named Screening Panel;
 - They will have an opportunity to respond to the allegation
- 8.7 This will be accompanied by a written summary of the allegation. The identity of the Complainant will normally be kept confidential at this stage, unless there is an overriding reason for disclosure.
- 8.8 If an allegation is made against more than one Respondent, the Chair of REISC will inform each individual separately and not divulge the identity of any other Respondent.
- 8.9 The Chair of REISC will inform the Complainant that a named Screening Panel is investigating their allegation under Stage 2 of this Procedure.
- 8.10 When writing to the Respondent and Complainant, the Chair of REISC will inform them that they may raise any concerns about the membership of the Screening Panel. Should such concerns be raised, the Chair of REISC will decide if the membership should be changed and inform both parties in writing of the outcome.

- 8.11 The Respondent will be given the opportunity to respond formally to the allegation, by providing evidence in writing and in person.
- 8.12 The Screening Panel should interview the Respondent and may interview any others considered appropriate (including the Complainant). The Respondent and Complainant may be supported at such a meeting by a colleague, or a member of their trade union or student's union, whose identity should be notified no later than five days in advance.
- 8.13 The Screening Panel will consider all available evidence, including that provided by the Complainant and Respondent, and any other documentation relevant to the investigation. A written record of the evidence considered, and the conclusions reached, will be maintained by the Secretary.
- 8.14 The Screening Panel will aim to complete its investigation within 30 working days, provided this does not compromise a full and fair investigation of the allegation. Any delays should be explained in writing to the Complainant, the Respondent and the Chair of REISC.
- 8.15 At the end of the screening stage, the Screening Panel will determine whether the allegations of misconduct in research are deemed one of the following:
- **To be mistaken, frivolous, vexatious and/or malicious.** The case will be dismissed. The Chair of REISC will take steps to sustain the reputation of the Respondent and (provided the allegation is considered to have been made in good faith) the Complainant. If it was found that the allegation was frivolous, vexatious and/or malicious, the Chair of REISC will ask the Pro-Warden Research and Enterprise to consider whether disciplinary proceedings should be initiated against the Complainant.
 - **To have some substance** but due to a lack of intent or motivation to deceive, or due to their relatively minor nature, would best be addressed through education, training or other non-disciplinary approach. The Chair of REISC will work with relevant Goldsmiths departments to establish a suitable programme of training, mentoring or mediation; including measures to address the needs of staff and students working with the Respondent.
 - **To need to be referred to Goldsmiths' disciplinary or other internal process** The Chair of REISC will refer the matter to the Pro-Warden Research and Enterprise for appropriate further action.
 - **to be sufficiently serious and of sufficient substance to justify a Formal Investigation (Stage 3).**

- 8.16 The chair of the Screening Panel will submit a confidential written report of the preliminary investigation, including the conclusions, to the Chair of REISC, who will forward it to the Complainant and Respondent for comment on factual accuracy. Amendments of any substance will only be made with the agreement of all members of the Screening Panel.
- 8.17 The final report will be sent to the Complainant, Respondent, the Pro-Warden Research and Enterprise, the Chair of REISC and (for confidential logging) the Secretary of REISC.
- 8.18 The work of the Screening Panel is then concluded. Its members may not take any further part in the Procedure or disciplinary process, unless formally asked to clarify a point in their written report.
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9 Stage 3: Formal Investigation

- 9.1 An Investigation Panel will be convened to investigate allegations of misconduct in research which have passed through the screening stage and are considered to be sufficiently serious and of sufficient substance to justify a Formal Investigation.
- 9.2 The Chair of REISC will inform the Complainant and Respondent that a Formal Investigation has been instituted. They should be reminded that the case has yet to be formally investigated: it is as yet unproven, and the presumption of innocence stands.
- 9.3 The Chair of REISC will also inform the Warden, Pro-Warden R+E, Director of HR and Director of Finance that a Formal Investigation has been instituted. A nominated contact in HR should be appointed at this stage, to act as advisor throughout the Investigation and to attend all formal meetings.
- 9.4 The Pro-Warden R+E will appoint an Investigation Panel, consisting of three senior members of staff with relevant expertise, one of whom should be external to Goldsmiths. Members of the panel will not have had any previous involvement in the Procedure. The Pro-Warden R+E will appoint a Chair.
- 9.5 Members of the Investigation Panel should declare in writing to the Pro-Warden R+E that they will adhere to the principles of the procedure including confidentiality (in accordance with Annex 1 of the UKRIO *Procedure for the Investigation of Misconduct in Research*), that they will follow the processes set out in the present document, and that their participation involves no conflict of interest.
- 9.6 Administrative support will be provided by the Secretary to REISC, who will arrange meetings, maintain documentation and take minutes as appropriate.

- 9.7 The Pro-Warden R+E will notify the Complainant and Respondent that a named Investigation panel is conducting a Formal Investigation under Stage 3 of this Procedure, informing them that they may raise any concerns about the membership of the Investigation Panel. Should such concerns be raised, the Pro-Warden R+E will decide if the membership should be changed and inform both parties in writing of the outcome.
- 9.8 The Investigation Panel should examine all the evidence collected during the Screening Panel's investigation and carry out any further investigation required. The Investigation Panel will aim to complete its investigation within 30 working days, provided this does not compromise a full and fair investigation of the allegation. Any delays should be explained in writing to the Complainant, the Respondent and the Pro-Warden R+E.
- 9.9 A Formal Hearing will be arranged as soon as possible. Both the Complainant and Respondent will be invited to submit further documentation no later than five days before the date of the Hearing.
- 9.10 The Respondent will be asked to respond to the allegations in person at the Formal Hearing; the Complainant will be invited to set out their case should they so wish, and the Panel may also ask to question other witnesses relevant to the investigation. Confidentiality should be maintained at every point so as to protect all parties. However, the need to conduct a full and fair investigation outweighs all other considerations.
- 9.11 The Respondent and Complainant may be supported at the Hearing by a colleague or a member of their trade union, whose identity should be notified no later than five days in advance. Should Respondent or Complainant insist on legal representation, Goldsmiths will similarly require that it is legally represented.
- 9.12 The Formal Hearing will follow the following procedure:
- The Investigation Panel holds a preliminary private meeting to discuss the documentation received.
 - The Respondent and representative are invited to join the meeting and to introduce themselves; the Chair of the Panel introduces the members of the Panel and the Secretary, together with a reminder of the requirement for confidentiality.
 - The Chair of the Panel states the purpose of the meeting, outlines the order of proceedings as set out below, and invites any observations.
 - The Chair summarises the allegation(s) received and introduces the documentation previously circulated, stating whether any witnesses are to be called.
 - The Respondent is asked to respond to the allegation(s), referring as may be relevant to the documentation received; the representative may also take part in this response and in subsequent discussion.

- Members of the Panel are given the opportunity to clarify the Respondent's comments
- The Chair calls any witnesses (who may include the Complainant), who are in turn questioned by members of the Panel and the Respondent; a further opportunity to question each witness before they leave will be allowed upon request
- The Chair has the opportunity to summarise the evidence considered and identify the matters to be decided
- The Respondent is invited to present a summary statement to the Panel.
- The Chair asks all except members of the Panel and the Secretary to withdraw in order that the Panel may consider its decision
- The Panel informs the Respondent as soon as possible, which may be at the conclusion of proceedings, of their decision and the recommendation(s) it will be making

9.12 At the conclusion of the Formal Hearing, or as soon thereafter as possible, the panel should inform the Respondent of their decision and recommendations. One of the following decisions will be made:

- **The allegation is upheld in full**
- **The allegation is upheld in part**
- **The allegation is not upheld**

The standard of proof used by the Investigation Panel is that of “on the balance of probabilities”.

9.14 In line with the final decision, various recommendations should follow:

If the allegation was not upheld, the case should be dismissed. The panel may conclude that allegation was not upheld for reasons of being mistaken, frivolous, vexatious and/or malicious. The Pro-Warden R+E will take steps to sustain the reputation of the Respondent and (provided the allegation is considered to have been made in good faith) the Complainant. If it was found that the allegation was frivolous, vexatious and/or malicious, the Pro-Warden R+E should consider whether disciplinary proceedings should be initiated against the Complainant.

If the allegation was upheld in full or in part, the panel should recommend whether;

- the allegation should be referred to the staff disciplinary procedure, in accordance with the Statutes (including the right of appeal);
- if the allegation was the result of poor academic practice rather than deliberate research misconduct, a programme of training and mentoring should be instituted instead of disciplinary action

- 9.15 Consideration should also be given to whether further actions should be recommended, for example:
- Retraction/correction of publications or other research outputs
 - Notifying any external organisations, such as regulators, funders, partner organisations or professional bodies
 - Informing research participants or others involved in the research
 - Organisational issues that Goldsmiths should address in the management of research
- 9.16 The chair of the Investigation Panel will submit a confidential written report of the investigation, including the conclusion and recommendations, to the Pro-Warden R+E, who will forward it to the Complainant and Respondent for comment on factual accuracy. Amendments of any substance will only be made with the agreement of all members of the Investigation Panel.
- 9.17 The final report will be sent to the Complainant, Respondent, the Pro-Warden Research and Enterprise, the Chair of REISC and (for confidential logging) the Secretary of REISC. An anonymized and suitably redacted summary will be reported to the Research and Enterprise Committee as an appendix to the annual report on research integrity.
- 9.18 The Pro-Warden R+E should inform the following of the outcome of the investigation: the Warden, the Director of HR, the Director of Finance, the Head of the relevant Department, and (where relevant) any external organisations.
- 9.19 The work of the Investigation Panel is then concluded. Its members may not take any further part in the Procedure or disciplinary process, unless formally asked to clarify a point in their written report.
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10 Acknowledgments

This procedure has been compiled with reference to the *Procedure for the Investigation of Misconduct in Research* (2008) with the support of the UK Research Integrity Office, and to the published procedures of several organisations including the University of Surrey, UCL and Birkbeck, University of London, which we gratefully acknowledge.