

6M – Research Misconduct: Policy and Procedure

CONTENTS

1. SCOPE AND PURPOSE	1
2. KEY RESPONSIBILITIES.....	2
3. ACCESSING OTHER RELEVANT BU DOCUMENTS	2
4. DEFINITIONS.....	3
5. PRINCIPLES	3
6. ACKNOWLEDGEMENT AND PROCEDURAL ASSESSMENT	6
7. RESEARCH MISCONDUCT: PRELIMINARY STAGE	6
8. RESEARCH MISCONDUCT: FORMAL STAGE.....	7
9. THE RESPONDENT'S RIGHT OF APPEAL.....	9
10. RECORDS MAINTENANCE AND ANNUAL MONITORING	11
11. REFERENCES AND FURTHER INFORMATION	11
12. APPENDICES	12

1. SCOPE AND PURPOSE

- 1.1 This policy and procedure applies to all Bournemouth University (BU) staff and postgraduate research students undertaking research under the auspices of the University. It also applies to undergraduate and postgraduate taught students in relation to suspected cases of a serious breach of research ethics¹. Visiting students and staff, and honorary members of staff, are bound by the same University rules surrounding research and ethical conduct as BU staff and students.
- 1.2 The University is committed to maintaining the integrity and probity of research. To this end, the University regards it as a fundamental principle that the conduct of research and the dissemination of the results of research must be truthful and fair and that all research must be undertaken to the highest ethical standards. Whilst honest errors and differences in, for example, research methodology and interpretations are not examples of research misconduct, academics are expected to maintain their knowledge and awareness of relevant internal and external requirements (see Section 11 for further information).

¹ NB Other suspected cases of an academic offence which involve undergraduate or postgraduate taught students normally fall within the scope of 6H – Academic Offences: Policy and Procedure for Taught Awards or may be, in some instances, referred to 11K – Student Disciplinary: Procedure. Where suspected cases involve a serious breach of research ethics and an academic offence, 6.2 will apply.

- 1.3 This document sets out a framework for the investigation of research misconduct. It includes a process for seeking initial advice in relation to concerns about research integrity and outlines a procedure for the investigation of formal allegations of research misconduct. It also details the process to be followed in an appeal against a research misconduct decision. Allegations of misconduct that are unrelated to the research process do not fall within the scope of this policy and procedure but may be investigated under the University's disciplinary procedures for staff or students. Disciplinary procedures may be invoked where an allegation of research misconduct has been upheld/partially upheld in accordance with this procedure. Additionally, failure by staff or students to respect the parties' confidentiality under this policy and procedure may be referred for consideration under the relevant student or staff disciplinary procedure.

2. KEY RESPONSIBILITIES

- 2.1 **Senate:** approves new policies and/or amendments to existing policies.
- 2.2 **Academic Standards and Education Committee (ASEC):** approves new and revised procedures as necessary.
- 2.3 **Research Ethics Panel Chairs:** provide confidential advice on concerns relating to research integrity to help establish whether they should be reported for investigation under this policy and procedure.
- 2.4 **Deputy Vice Chancellor (DVC):** has overall responsibility for the policy and procedure and its implementation when a formal allegation of research misconduct against a member of the University is received. The responsibilities are detailed in section 6.
- 2.5 **Academic Quality:** maintains this procedure on behalf of the DVC. Academic Quality coordinates the appeals stage of the procedure and keeps a record of all investigated allegations against students and provides information for the University's annual statement on research integrity².
- 2.6 **Human Resources (HR):** provides advice as required on other procedural matters relating to staff. HR keeps a record of all investigated allegations against staff and provides information for the University's annual statement on research integrity³.
- 2.7 **Research Development and Support:** maintains this policy and prepares the University's annual statement on research integrity which includes a section on research misconduct.

3. ACCESSING OTHER RELEVANT BU DOCUMENTS

- 3.1 All documents can be accessed [here](#)
- 6H – Academic Offences: Policy and Procedure for Taught Awards
 - 8A – Code of Practice for Research Degrees
 - 8B – Research Ethics Code of Practice: Policy and Procedure
 - 11A – Academic Appeals: Policy and Procedure for Taught Awards
 - 11C – Academic Appeals: Policy and Procedure for Research Awards
 - 11K – Student Disciplinary: Procedure
 - 11L – Third Party Involvement: Procedure
- 3.2 Other documents with direct relevance to this are:
- [Dignity and Respect \(Harassment\) Policy and Procedures](#)
 - Staff [Disciplinary Procedure](#)
 - Staff [Grievance Procedure](#)
 - Staff [Suspension Procedure](#)
 - [“Whistleblowing” \(Disclosure in the Public Interest\) Policy and Procedures](#)
 - [Conflicts of Interest Policy and Procedures](#)

² See Section 10 for details.

³ See Section 10 for details.

- [Data Protection Policy](#)
- [Intellectual Property Policy](#)
- [Investigation Procedure](#)

Policy

4. DEFINITIONS

- 4.1 **‘Research’** is defined here in the broadest sense of this definition and to include all ‘knowledge exchange’ activity (innovation).
- 4.2 **‘Research ethics’** are the moral principles guiding the planning and conduct of research, the publication of outcomes and post-project care and/or disposal of records or materials⁴.
- 4.3 **‘Research misconduct’** is taken to include in particular (but is not limited to):
- fabrication:** making up results or other outputs and presenting them as though they were real;
 - falsification:** manipulating research processes or changing or omitting data without proper cause;
 - piracy:** the deliberate exploitation of ideas from others without proper acknowledgement;
 - plagiarism:** the copying or misappropriation of ideas (or their expression), text, software or data (or some combination thereof) without permission and due acknowledgement;
 - misrepresentation:** the deliberate attempt to represent falsely or unfairly the ideas or work of others, whether or not for personal gain or enhancement;
 - academic fraud:** deliberate deception which includes the invention or fabrication of data and/or experimentation;
 - improprieties of authorship:** including improper inclusion or exclusion of individuals as authors; misrepresentation or duplication of substantially similar material that has previously been the focus of one’s own published research findings without due referencing;
 - non-compliance of research governance:** failure to comply with appropriate internal and external requirements such as regulatory, financial, legal and/or ethical approval;
 - serious breach of research ethics** as defined in *8B – Research Ethics Code of Practice* and where not dealt with through student/staff disciplinary or other University procedure;
 - facilitating misconduct in research:** deliberate concealment of research misconduct by others or collusion in such research⁵;
 - inciting others to commit research misconduct;** deliberate encouragement of others to conduct research in an untruthful or unfair manner⁶;
 - improper dealing with allegations of research misconduct:** failing to address possible infringements such as attempts to cover up research misconduct and reprisals against whistleblowers.
- 4.4 Throughout this document the term **‘Complainant’** refers to the person(s) making a formal written allegation of research misconduct and the term **‘Respondent’** refers to the person(s) against whom the allegation is made.

5. PRINCIPLES

5.1 *Research integrity*

- 5.1.1 All members of the University are under a general obligation to preserve and protect the integrity and probity of research. In particular, if they have good reason to suspect any research

⁴ See *8B – Research Ethics Code of Practice* for more details.

⁵ September 2016: This definition was moved here from *8B – Research Ethics Code of Practice* (section 12.4).

⁶ See footnote 5 above.

misconduct, they should report their suspicions in accordance with the terms of this policy and procedure. Any other person making a formal allegation should bear in mind that any allegation is serious and could have major implications for the reputation of a student or a member of staff. In extreme cases, journals may refer cases of severe research misconduct, including plagiarism or breaches of research ethics, to Universities and increasingly use anti-plagiarism software to detect research misconduct.

- 5.1.2 The University is committed to ensuring that all allegations of research misconduct are investigated as fully, fairly and expeditiously as possible. In keeping with its “*Whistleblowing*” (*Disclosure in the Public Interest*) Policy and Procedures, the University also lays emphasis on principles of confidentiality, fairness and no-detriment. In particular the University seeks to ensure that anybody making an allegation of research misconduct, in good faith, suffers no detriment as a result of having made the allegation.

5.2 **Advice on concerns about research integrity**

- 5.2.1 The University's Research Ethics Panel Chairs can provide confidential advice to students and staff on concerns relating to research integrity to help establish whether they should be reported for investigation under this policy and procedure. Students and staff may also discuss any concerns initially with an intermediary such as the Head(s) of Doctoral College or the relevant Deputy Dean for Research and Professional Practice. Those advising students and staff on concerns about research integrity are obliged to respect the confidentiality of the parties as outlined in section 1.3 above.

5.3 **Making a formal allegation**

- 5.3.1 Any formal allegation(s) of research misconduct shall be made in writing to the DVC. The Complainant, who need not be a member of the University, shall be required to provide written evidence in support of the allegation(s).
- 5.3.2 The relevant staff or student disciplinary procedure may be invoked where any member of the University is found to have made a malicious or vexatious false allegation.

5.4 **No Detriment**

- 5.4.1 The principle of no detriment shall apply to the investigation of allegations. This means that the University will take reasonable measures to try to ensure that neither the Complainant nor the Respondent suffer a detriment solely as a result of the allegations having been made. This includes endeavouring to ensure that:
- i. the Complainant is not victimised having made the allegation⁷;
 - ii. the Respondent(s) and any associated research project(s) shall not suffer any loss of reputation, funding, visa, or other loss, unless and until the allegation in question is upheld/partially upheld (but please see paragraph 5.5.2 below).
- 5.4.2 Should the Complainant or Respondent(s) be concerned that they will suffer detriment as a result of an investigation they should raise this with the DVC in writing giving reasons for their concerns which will be responded to.

5.5 **Confidentiality and Data Protection**

- 5.5.1 So far as is practicable, the investigation of any formal allegation shall be carried out in accordance with principles of confidentiality and the Data Protection Act 2018. This means in particular that:
- i. The Complainant may request that their complaint is processed anonymously. The University will assess whether it is possible to do so provided that this is consistent with effective investigation (it may not be possible to provide complete anonymity under all circumstances; such circumstances will be discussed with the Complainant at the earliest opportunity);

⁷ See *Dignity and Respect (Harassment) Policy and Procedures*.

- ii. the University shall take reasonable measures to ensure that neither the identity of the Complainant nor the identity of the Respondent is made known to any third party not involved in an investigation except as may be deemed necessary for the purposes of:
 - a) carrying out a full and fair investigation;
 - b) further action to be taken in respect of an individual against whom an allegation has been upheld;
 - c) further action taken in respect of a member of staff or student who is found to have made a malicious or vexatious allegation (see section 5.3.2 above)⁸;
 - d) collating evidence of witnesses;
 - e) seeking legal advice;
 - f) involving or notifying other organisations as per section 5.5.2 below;
 - g) notifying any individual or organisation (see section 8.5.4).
 - iii. the University shall take reasonable measures to ensure that any investigation is conducted in a manner such that it is kept confidential to those with a legitimate and necessary reason to be kept informed. As a general rule, a Complainant will only be kept informed of the progress of an investigation in circumstances where they have a legitimate personal interest in the subject matter of the complaint (e.g. co-authorship). This will be determined as part of the Procedural Assessment (see Section 6 below). Where such an interest exists, then the Complainant will normally be kept informed of the progress of their allegation and the outcome of any investigation. Where no such interest exists, the Complainant will not normally be kept informed beyond the fact that their allegation is acknowledged and is being dealt with by the University.
- 5.5.2 Depending on the nature of the allegation it may be necessary for the DVC to involve or notify other organisations that have a legitimate interest in the investigation at any point in order to comply with the requirements of funding bodies, professional, statutory and regulatory bodies and/or legal authorities, for instance in order to meet the requirements of match funded studentships or where external licencing arrangements are in place. Any external investigation led by such authority may need to take precedence over this procedure before an investigating team is appointed in line with this policy and procedure.
- 5.5.3 Where possible, any disclosure to a third party of the identity of the Complainant or the Respondent shall be on the basis that the third party is obliged to respect the confidentiality of the information so disclosed.
- 5.5.4 The Complainant, the Respondent, any witness or other parties to a case must not make any statements about the case, whether orally or in writing, to any third party (other than the person accompanying them, trusted advisers and other support bodies including Trade Unions, Occupational Health or other medical advisers and family members) whilst the allegation in question is being investigated, an investigation outcome has been challenged in an appeal, or is subject to disciplinary proceedings. Ongoing confidentiality of all information and proceedings should be respected, as far as is possible, where there is no case to answer or minor infractions have been found. Where an allegation is upheld or partially upheld, person/bodies with a legitimate interest in the outcome will be notified in accordance with section 8.5.
- 5.5.5 It is acknowledged that there may be occasions when a balance has to be struck between some of the principles enumerated above. For example, it may prove to be impracticable to undertake a thorough investigation without disclosing the identity of the Complainant to the Respondent or to a third party. Any such conflict shall be referred to the DVC for adjudication, on the basis that the overriding objective of any proceedings is to seek the truth.
- 5.5.6 The University will maintain appropriate confidential records of allegations and formal investigations as outlined in section 10.

⁸ September 2016: Reference to malicious or vexatious allegations was moved here from 8B – *Research Ethics Code of Practice* (section 12.4) which is due to be reviewed in the autumn term.

5.6 ***Suspension of staff/students***

- 5.6.1 If at any stage the matter to be investigated falls under the University's *Staff Suspension Procedure*, staff Respondent(s) may be immediately suspended from work on full pay whilst the investigation proceeds. Student Respondent(s) may be suspended from study in line with the principles outlined in *11K - Student Disciplinary: Procedure*. The terms of the suspension shall be notified in writing to the Respondent(s), including any impact on studentships and/or other funding arrangements.

5.7 ***Suspension of research***

- 5.7.1 If at any stage the DVC determines that the research in question presents a real or perceived risk to the University, any individual or organisation (e.g. where an alleged breach of research ethics is under investigation), the DVC may stipulate that research must cease until the investigation is complete.

Procedure

6. **ACKNOWLEDGEMENT AND PROCEDURAL ASSESSMENT**

- 6.1 The DVC will acknowledge receipt of an allegation normally **within 5 working days**. In the absence of the DVC, an academic member of the University Executive Team will act on the DVC's behalf as outlined in this procedure.

The DVC will review the allegation at the earliest opportunity to determine whether it falls under the scope of the University's research misconduct procedure. Where appropriate, the DVC may consult with a senior academic, normally a member of the professoriate. Where an allegation falls under more than one University procedure, the DVC will determine the order in which issues are dealt with. Where an allegation is received against a member of staff who is studying towards a BU award, the DVC will determine whether they are a staff or student respondent under this procedure.

- 6.2 Where a suspected research misconduct case involves a serious breach of research ethics, as referenced in the Research Ethics Code of Practice, the DVC may request that the Chair of the University Research Ethics Committee (UREC) carries out the investigation on the DVC's behalf.
- 6.3 Where the University receives an allegation against an individual who is not subject to the BU student or staff disciplinary procedures, the DVC reserves the right to refer the case to the appropriate organisation for investigation.
- 6.4 Consideration of alleged historic research misconduct will incorporate reference to the policies in place at the time alleged research misconduct occurred, but an initial procedural assessment and any investigation that may follow will be conducted in line with the current procedure.

7. **RESEARCH MISCONDUCT: PRELIMINARY STAGE**

- 7.1 The DVC notifies the Respondent in writing of the full substance of the allegation against them and the procedure for investigation normally **within 5 working days** of concluding the procedural assessment. Where the allegation falls under this procedure, the DVC will ask the relevant Executive Dean of the Faculty/Head of Professional Service to carry out a preliminary stage investigation. The Respondent has the right to respond in writing **within 5 working days** and request a meeting. Any such meeting will not be in the nature of a formal hearing but is intended merely to assist the preliminary investigation.
- 7.2 The preliminary stage investigation will be concluded within a reasonable timescale, normally **within 20 working days**. The investigation will include a review of the written evidence provided by the Complainant and the Respondent, and, where appropriate, a meeting with the Respondent. Where appropriate, the Executive Dean/Head of Professional Service will request further information from both the Complainant and Respondent. The Executive Dean/Head of Professional Service will inform the DVC of the findings of the preliminary stage investigation in writing.

- 7.3 The preliminary stage investigation will have one of the following outcomes as determined by the DVC:
- i. there is **no case to answer** because the complaint is without substance;
 - ii. **minor infractions** have occurred which do not constitute research misconduct;
 - iii. there is **sufficient evidence** to indicate the possibility of research misconduct.
- 7.4 **Where the DVC finds there is no case to answer**, no case records will remain against the Respondent's student/staff file (see section 10).
- 7.5 **Where the DVC finds that minor infractions have occurred**, the Respondent will be invited to discuss the outcome with the Executive Dean/Head of Professional Service at the earliest possible opportunity. Appropriate recommendations and/or actions, including guidance and mentoring will be put in place to prevent recurrence.
- 7.6 **Where the DVC finds that there is sufficient evidence to indicate the possibility of research misconduct**, the procedure for the formal stage investigation will be invoked.
- 7.7 The Respondent will be informed of the preliminary stage outcome and the evidence base which informed the decision, in writing, normally **within 5 working days** following the Executive Dean/Head of Professional Service's report to the DVC. The Complainant may be informed as per 5.5 iii above.
- 8. RESEARCH MISCONDUCT: FORMAL STAGE**
- 8.1 ***Notification of Proceedings***
- 8.1.1 The Respondent shall be required to formally respond in writing (by post or email) to the allegation **within 10 working days** of the date of written notification from the DVC. If the nature of the allegation is such that this timeframe is considered insufficient, then a longer time period can be agreed with the DVC. Failure by the Respondent to respond will not be taken as grounds to postpone the investigation.
- 8.1.2 If the Respondent admits research misconduct then, at the discretion of the DVC, the investigation may be concluded. The DVC will determine whether the matter be dealt with as a disciplinary matter, and/or reported to the examiners if the person concerned is studying for an award and/or whether any other sanctions or actions are deemed appropriate (see 8.5.2 below).
- 8.2 ***Investigating Team***
- 8.2.1 The DVC shall appoint an Investigating Team of at least three persons of appropriate standing, normally including one member of the Professoriate, to carry out the investigation. The Investigating Team is appointed normally **within 20 working days of notification to proceed to the formal stage**.
- 8.2.2 At least one member of the Investigating Team shall be an academic specialist in the general subject area or sub-discipline area within which the misconduct is alleged to have taken place. If necessary, this member of the Investigating Team may be external to the University. For student respondents the Investigating Team will include a representative of the Students' Union. Where required, panel membership may also involve professional, statutory or regulatory representation.
- 8.2.3 The DVC shall appoint one of the members to chair the Investigating Team. The Chair will normally be a senior member of staff of professorial standing, from outside the discipline in which the misconduct is alleged to have taken place. The DVC shall appoint an appropriate administrator to act as secretary to the Investigating Team. In addition, an HR representative may be appointed to advise the Investigating Team.
- 8.2.4 Members of the Investigating Team must declare any potential conflicts of interest **within 5 working days** of the appointment in line with the University's *Conflicts of Interest Policy and Procedure*. The Investigation Team is confirmed to the Respondent normally **within 10**

working days of their appointment. The Respondent has a further **5 working days** to raise objections regarding the appointments. The DVC will determine whether it will be necessary to revise any appointments.

8.3 ***Investigative Procedure***

8.3.1 The purpose of the formal stage investigation is to determine whether research misconduct has taken place and the nature and extent of any such misconduct. The investigation will be carried out within a reasonable timescale.

8.3.2 The Investigating Team will interview the Respondent and, where appropriate, the Complainant. The Respondent will have the right to advice, support and representation as follows:

- i. Staff Respondents: At each stage of the procedure, individuals have the right if they wish, to be accompanied by a fellow member of staff or by an appropriate representative of an independent trade union (recognised or non-recognised) as defined in the Employment Relations Act 1999 or an official employed by a trade union. A trade union representative who is not an employed official, must have been reasonably certified by their union as being competent to accompany a worker. Individuals may not be accompanied by anyone acting as a legal representative at any stage of the procedure.
- ii. Student Respondents: Students may be accompanied and supported at any stage in the procedure by a friend. The Research Misconduct Procedure is an internal procedure and is not a legal process. The University strongly advises students to use the services of the [SUBU Advice](#) team who are independent from the University and have a full understanding of the University's processes and procedures. The University does not normally use legal professionals in the handling of cases and does not expect that students will need to do so either. The engagement of legal professionals by students is normally not permitted (see 11L – Third Party Involvement: Procedure, for further details).

8.3.3 During the course of the investigation, the Investigating Team may, at its discretion:

- i. interview any other person;
- ii. require the Respondent and any other member(s) of the University to produce any relevant materials;
- iii. seek evidence from other persons.

8.3.4 The Investigating Team will make all documentation available to the Respondent and, where appropriate, the Complainant, at least **15 working days** before any interview. The Investigating Team must ensure that the Respondent, and where relevant the Complainant, have the right to present evidence and respond in writing in respect of material disclosed to them by the Investigation Team. Any such evidence must be submitted to the Investigating team at least **5 working days** in advance of the interview.

8.3.5 The Respondent, and where relevant the Complainant, will be sent a copy of their own interview notes approved by the Chair of the Investigation Team to confirm whether they are an accurate record of the meeting. These will be provided **within 5 working days** by the secretary.

8.4 ***Findings***

8.4.1 The Investigating Team shall report in writing to the DVC **within 5 working days** of concluding the investigation, indicating whether or not it upholds the allegation, in whole or in part, and giving reasons for its decision. The following outcomes are available to the Investigating team:

- i. there is **no case to answer** because the complaint is without substance;
- ii. **minor infractions** have occurred which do not constitute research misconduct;
- iii. research misconduct is confirmed and the allegation is **upheld or partially upheld**.

8.4.2 Where the Investigating Team determines there is **no case to answer**, or it is determined that **minor infractions have occurred**, 7.4-7.5 above shall apply.

- 8.4.3 Where research misconduct is confirmed and the allegation is **upheld or partially upheld**, the Investigating Team will make such recommendations to the DVC that fall within this policy to address any research misconduct, and any assessment penalties to be applied to student Respondents. For postgraduate research students, assessment penalties will be issued as outlined in Section 9 of *6A - Standard Assessment Regulations: Research Degrees*. Where these outcomes are not appropriate for the circumstance surrounding the offence, the Investigating Team may recommend an alternative outcome to the DVC. For students on taught programmes, any penalty will be in accordance with *6H – Academic Offences: Policy and Procedure for Taught Awards* (see Appendix 3, Table 2 – Tariff of Penalties).
- 8.4.4 The DVC shall determine whether any or all of the recommendations of the Investigating Team should be accepted and any further action to be taken in line with 8.5 below to preserve the academic integrity and reputation of the University.
- 8.5 Subsequent actions and notifications**
- 8.5.1 The DVC shall notify the Investigating Team's findings and the University's subsequent decision to the Respondent, the Executive Dean/Head of Professional Service and other persons or bodies that may have a legitimate interest in the decision **normally within 10 days** of receipt of the Investigating Team's report. If the DVC decides not to implement part or all of the recommendation(s) of the Investigating Team, a written explanation will be provided to the Respondent.
- 8.5.2 If the Investigating Team has found the allegation to be **upheld or partially upheld**, the DVC shall determine whether or not to invoke the relevant University staff/student disciplinary procedure. Where the Respondent is studying for an award of the University, the DVC will report any assessment penalty to the relevant examiners (either to a Postgraduate Research Examining Team or an Assessment Board for taught awards). The examiners will receive the penalty and determine the Respondent's results in accordance with the relevant assessment regulations.
- 8.5.3 If there is **no case to answer** or **minor infractions have occurred**, the DVC shall take appropriate steps to preserve the good reputation of the Respondent(s) and any associated research project(s). If the case has received any publicity, the Respondent shall be offered the possibility of having an official statement released by the University to the Press and/or other relevant parties, including those individuals who co-operated with the investigation.
- 8.5.4 The Complainant may be informed of the investigation outcome as per 5.5.1 iii above. In addition, the DVC will determine whether it is necessary to inform any of the following:
- i. Co-authors and or publishers;
 - ii. Funding bodies or other institutions/organisations involved in the research;
 - iii. Professional, statutory or regulatory bodies;
 - iv. Legal authorities;
 - v. Other third parties with a legitimate interest in the investigation outcome;
 - vi. Any other third party as necessary.

9. THE RESPONDENT'S RIGHT OF APPEAL

- 9.1 Should the Respondent believe that there are grounds to appeal the outcome of the investigation, they may do so in writing, stating the reasons for the appeal, **within 10 working days** of the date of written notification of the DVC's decision. Any appeal by the Respondent against the outcome of the investigation shall be made in writing (by post or email) and must be lodged with Academic Quality. Any appeal received outside of this timescale will not be accepted without good reason.
- 9.2 In initiating an appeal, the Respondent should provide full details of the grounds upon which the appeal is based together with any new evidence or information. It is insufficient for the Respondent to object in general terms that an investigation has been carried out; they must specify the reasons (e.g. stating why the Respondent believes the process or decision is flawed or that there is new evidence or the penalty was unduly severe or inconsistent).

- 9.3 Normally, an appeal would be made on one or more of the following grounds:
- i. that there was a material procedural irregularity which rendered the investigation leading to the original decision unfair;
 - ii. that the conclusions of the Investigating Team cannot, having regard to the evidence submitted, be reasonably sustained; or
 - iii. that new material or information of which the Respondent could not reasonably have been expected to be aware of or adduced during the investigation has come to light, which casts substantial doubt upon the correctness of the original findings.
- 9.4 Academic Quality will appoint an Appeals Board normally **within 20 working days** and notify the Respondent and, where appropriate, the Complainant of the date and process (see 5.5.1 iii).
- 9.5 For student respondents (including staff who are studying towards a BU award), there is no right of appeal against resulting assessment penalties which will be reported to the examiners as outlined in 8.5.2 above. Appeals may however be lodged against matters of procedural irregularity as per 9.3 i above.
- 9.6 Appeals against resulting disciplinary decisions shall be dealt with according to the principles set out in the relevant disciplinary procedure. A disciplinary process shall not normally commence until any appeal under this policy and procedure has been considered.
- 9.7 ***Appeals Board***
- 9.7.1 The Appeals Board (which shall not include anyone previously involved in the investigation) shall be chaired by a member of the University Executive Team and shall include an academic familiar with the subject matter of the appeal (normally of professorial standing and external to the University if appropriate). For student respondents, a representative of the Students' Union will form the third member of the Appeals Board. For staff respondents, a further academic drawn from outside the Faculty/Head of Professional Service to which the appeal relates, will form the third member.
- 9.7.2 Members of the Appeals Board must declare any potential conflicts of interest **within 5 working days** of the appointment in line with the University's *Conflicts of Interest Policy and Procedures*. The Appeals Board is confirmed to the Respondent normally **within 10 working days** of the appointment. The Respondent has **5 working days** to object regarding the appointments. Academic Quality will determine whether it will be necessary to revise any appointments.
- 9.7.3 The Appeals Board will liaise with Academic Quality and will be given a copy of all written material pertaining to the original investigation together with a copy of the appeal and any new evidence or information filed in support. The Respondent and, where relevant the Complainant, will be given a reasonable opportunity to consider any new information submitted to the Appeals Board before the hearing.
- 9.7.4 The hearing will be conducted in line with the Procedure in Appendix 2. Where possible, the Appeals Board will be convened **within 20 working days** of confirmation of the appointments or as soon as is possible thereafter. The date and time of the hearing will be notified to the Respondent and, where relevant, the Complainant at least **10 working days** in advance by Academic Quality.
- 9.7.5 The hearing will consider the Respondent's case for appeal. The appeal will not normally re-hear witnesses whose evidence was heard in the original investigation but may do so if the Chair of the Appeals Board determines, by exception, that there are grounds that warrant this. The Respondent and, where relevant, the Complainant can be accompanied to the hearing by a friend or by an appropriate representative of an independent trade union (recognised or non-recognised), as defined in the Employment Relations Act 1999 or an official employed by a trade union. A trade union representative who is not an employed official must have been reasonably certified by their union as being competent to accompany a worker. Individuals may not be accompanied by anyone acting in a legal capacity). The Appeals Board may adjourn

the hearing if it needs to carry out further investigations in relation to any new points or evidence.

9.8 **Outcome of the hearing**

9.8.1 The following outcomes are available to the Appeals Board:

- i. to **uphold** the appeal in full;
- ii. to **partially uphold** the appeal;
- iii. to **reject** the appeal.

9.8.2 In addition to upholding, partially upholding or rejecting the appeal, the Appeals Board will be entitled to make such recommendations to the Respondent and/or the University as it considers appropriate, including instituting a new investigation.

9.8.3 The decision of the Appeals Board shall be transmitted by Academic Quality to the Respondent, the DVC, the Executive Dean of Faculty and any department with a legitimate business interest in the outcome e.g. Legal Services or HR **within 5 working days** of the hearing. The Complainant may be informed of the outcome as per 5.5.1 iii above.

9.8.4 The decision of the Appeals Board shall be final and no further appeal shall be permitted under this procedure (but see 11.6 below).

10. **RECORDS MAINTENANCE AND ANNUAL MONITORING**

10.1 At the completion of the procedure (including any potential appeal), the DVC will arrange for the case records to be transferred to Academic Quality or HR for secure storage.

10.2 Academic Quality and HR will maintain a record of all research misconduct allegations and investigations in accordance with the University's Data Protection Policy as follows:

- i. Academic Quality maintains a central record of all allegations against students;
- ii. HR maintains a central record of all allegations against staff.

NB Where there is no case to answer, the record will not appear against the Respondent's student/staff file.

10.3 Academic Quality and HR provide statistics and anonymised qualitative data on all investigations (including those where there is no case to answer or minor infractions have occurred), for the University's annual statement on research integrity. highlighting any recommendations to help ensure that this policy and procedure remains current and valid. The annual statement is prepared by Research Development and Support.

General

11. **REFERENCES AND FURTHER INFORMATION**

11.1 The [Research Ethics Blog](#) is home to the Code of Good Research Practice which includes further information on good practice, including links to the relevant sector codes and documents, as well as [the University's Research Ethics Code of Practice](#).

11.2 The [Concordat to Support Research Integrity](#) (Universities UK, UUK, 2012) sets out the sector commitments to research integrity.

11.3 The [UK Quality Code for Higher Education](#) sets out the sector requirements for maintaining academic standards.

11.4 [The OIA Good Practice Framework](#) sets out the principles for fair and transparent handling of academic appeals.

11.5 Organisations offering advice, guidance and support on research related matters include the UK Research Integrity Office ([UKRIO](#)) and the Improving Dispute Resolution Advisory Service for Further and Higher Education (IDRAS).

11.6 If a student Respondent remains dissatisfied after exhausting Bournemouth University's internal appeals procedure they may request a review from the Office of the Independent Adjudicator (OIA) for Higher Education. The OIA's contact details are:

Office of the Independent Adjudicator
Second Floor
Abbey Gate
57-75 Kings Road
Reading
RG1 3AB

Tel: 01189 599813 email: enquiries@oiahe.org.uk

11.7 This policy was reviewed according to the University's [Equality Analysis Procedure](#) (BU Equality Analysis Procedure) in July 2018.

12. APPENDICES

Appendix 1 – [Research Misconduct Process diagram](#)

Appendix 2 – [Appeal Hearing Order of Proceedings](#)