Executive Summary

This document sets out the procedure that UCL will follow for the consideration of allegations of misconduct in research. Such allegations might be brought to UCL as the employer of the individual against whom the allegations are made, or in another capacity, such as the host or sponsor of the research. Where a situation is judged by UCL's Third Party Notification Group to be of a particularly serious nature, the appropriate authority or regulatory body will be notified by UCL at the earliest practicable opportunity.

It is not intended that the Procedure will be used as part of any disciplinary or regulatory process. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process. This docum0ati48 (um0at8 (t)-1.1 (or)-6.4 (p)-12.3 (l)3.1 (s)-8 (.)-1.1 -12.e)3.2 (o)-8 (o)-12.2 (m)-12.4 (e r)-

A11. The Procedure will not normally apply to taught students of UCL except in the case of research submitted for or intended for publication. The Procedure will also not normally apply in the cases of students who have

A18. Where referenc

Part C: The Procedure

Introduction

C1. The Procedure allows allegations of misconduct in research to be considered and investigated once submitted to the Registrar in writing. Straightforward allegations that are not considered to be serious in

- to agree a process for any potential respective disciplinary actions, where the employee is a shared employee;
- to agree a process for dealing with press and informing research subjects, if this is deemed necessary.

C6. UCL also reserves the right to investigate any allegations, or suspicions, of misconduct in research that have been made available in the public domain or otherwise made known to UCL, but where there is no specific Complainant or complaint in writing to the Registrar. Such cases will be considered only at the discretion of the Registrar.

C7. Allegations of misconduct in research shall normally be dealt with under this Procedure. However, there may be instances where UCL employees and/or other persons connected with UCL and/or UCL students wish to disclose concerns about misconduct in research but also wish to remain anonymous. Persons wishing to disclose concerns in this way, often referred to as 'whistleblowers', are able to do so via UCL's Public Interest Disclosure policy (https://www.ucl.ac.uk/human-resources/public-interest-disclosure). Cases of 'whistle-blowing' may therefore be referred for consideration under the Public Interest Disclosure Procedure instead of the Research Misconduct Procedure.

Receipt and I nitial Assessment of A llegations

C8. The Registrar will conduct an Initial Assessment of the allegations in order to determine whether the allegations:

a. are mistaken, frivolous, vexatious, malicious, do not disclose any case to answer or are otherwise without merit. If the Registrar decides that the allegations are mistaken, frivolous, vexatious, malicious, do not disclose any case to answer or are otherwise without merit, the allegations will be dismissed. This decision will be reported in writing to the Complainant. The Registrar will advise the prospective Respondent in writing that allegations had been made against him/her by the Complainant (who shall be named by the Registrar), but were dismissed as being mistaken, frivolous, vexatious and/or malicious. The Registrar will also take steps, as required and appropriate to the seriousness of the dismissed allegations, to support the reputation of the Respondent and the research project(s) concerned (see Annex 8) e.g. the Registrar will consider recommending to the appropriate parties that

d. are of such a nature that it is necessary to notify legal or regulatory parties, such as in situations as detailed in (c) above, where an activity is potentially or actually illegal and/or a danger to persons, animals and/or the environment. As a consequence of such notification, UCL may be required to comply with an investigation led by a legal or regulatory body, which will ordinarily take precedence over this Procedure. The Procedure may continue in parallel but may have to be suspended, to be concluded later, or may have to be declared void by the Registrar;

e. include behaviour subject to defined sanctions in UCL's disciplinary processes. In such circumstances, the Registrar will refer the allegations to the Director of Human Resources (in cases involving members of UCL staff and honorary staff) or to the Senior Assistant Registrar (Casework and Governance) (for cases involving UCL students) for consideration under the relevant disciplinary process. As above, the Procedure may continue in parallel with the disciplinary process but may have to be suspended, to be concluded later, or be declared void by the Registrar.

C9. If the allegations are judged to fall outside the definition of misconduct in research under this Procedure as detailed in Annex 2, the Registrar will communicate to the Complainant in writing:

- the reasons why the allegations cannot be investigated using this Procedure;
- any alternative process for dealing with complaints which might be appropriate for handling the allegations (if any); and
- details of any UCL officer to whom the allegations should be reported and any action taken by the Registrar in reporting the allegations.

C10. Allegations of misconduct in research that are assessed by the Registrar as falling within the definition of misconduct in research but not requiring notification to legal or regulatory bodies or immediate referral to UCL's disciplinary processes will proceed to the Screening Committee stage of the Procedure, except in the following circumstances:

a. where the Registrar decides, in exceptional cases, that the allegations are sufficiently serious and are judged to pose a threat to the reputation of UCL and/or public safety and/or a danger to persons, animals and/or the environment, that the allegations should proceed straight to the Formal Investigation stage without any screening, subject to the approval of the Vice-Provost (Research, Innovation and Global Engagement);

b. where an allegation is submitted to the Registrar following an investigation which has already been undertaken (or is underway), by the former RGC and/or by RIGEC and/or by the JRO of UCL, the Registrar may, if he/she sees fit, direct that the allegations proceed immediately to the formal investigation stage and without any screening, subject to the approval of the Vice-Provost (Research, Innovation and Global Engagement);

c. where the allegations are straightforward and are not considered to be serious in nature, and there is no intent to deceive, the Registrar will resolve the case themselves. In resolving the case, the Registrar may recommend a specific coursehe/- may, if he/she sees fit, direct that ec ani013 Tw u,etrly te,6.4

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practicable, it will not be communicated to the other Respondent.

C37. The Respondent must be given an opportunity to meet with a Screening Panel before confirming any decision to refer the matter to a Formal investigation. No such opportunity for a meeting is required where there is no such recommendation.

Interview

C38. During the Screening Stage, where relevant, a Screening Panel will interview the Complainant, the Respondent, and other individuals who might provide relevant information to assist the Panel. Where the Complainant will not take part in the screening stage, the Registrar will provide advice to the Panel on the extent to which that party can be kept up to date with proceedings as they progress.

C39. An employee Complainant/Respondent interviewed by a Screening Panel may be accompanied and represented by a companion, who must be a workplace colleague or trade union representative.

C40. A student Complainant/Respondent interviewed by a Screening Panel may be accompanied and represented by a companion, who must be a student friend or a UCL Union sabbatical off.af.ese0 Td [(s)w8b7af-8 (e)-
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by an individual or organisation external to UCL, the Registrar will consider notifying any appropriate external parties that can include their current employer and any other parties.

C47. When there is clear evidence of an infringement that might contravene UCL's disciplinary codes, the Registrar will consult the Director of Human Resources (for cases involving UCL staff or honorary staff) or the Student Casework Team

C56. Although not working to a prescribed deadline, the Panel will normally set an indicative timetable for the completion of the investigation, which should be as soon as is practical without compromising the Principles of the Procedure (Annex 1).

C57. The Panel Secretary will report the progress made by the Investigation Panel, by reference to criteria agreed by the Panel in advance, to the Registrar on at least a monthly basis. The Registrar will also then provide appropriate information on the progress of the investigation to other interested parties.

C58. The Panel Secretary is responsible for keeping a full record of the evidence received and of the proceedings of the Investigation Panel and for ensuring the transfer of that record to the Registrar upon completion of the Investigation Panel's work.

Procedure

C59. The Registrar will inform the following that a Formal Investigation of the allegations is to take place:

- The Complainant;
- The Respondent;
- UCL's President and Provost;
- Vice-Provost (Research, Innovation and Global Engagement);
- Director of Human Resources (for cases involving UCL staff or honorary staff);
- Director of Legal Services;
- Senior Assistant Registrar (Casework and Governance) (for cases involving UCL students), and/or;
- The head of any partner organisation with which either the Complainant and/or Respondent has an honorary contract, and through him/her, other relevant officers of the organisation eg the heads of human resources and research.

Where the Complainant chooses to remain anonymous or pseudonymous, the Registrar will not normally communicate with him/her.

C60. Where the Complainant does not participate in the Investigation Panel process, the Registrar will not communicate with him/her in the interests of ensuring confidentiality of the Respondent.

C61. Where the Respondent has left UCL and does not participate in the Investigation Panel process, the Investigation Panel will review the allegation in their absence without the Registrar continuing to attempt to communicate with her/him.

C62. The Registrar will then convene a Formal Investigation Panel. The Investigation Panel will be constituted and work in accordance with the Principles outlined at Annex 1 and the process outlined in Annex 7. The Investigation Pane

Operation of the Investigation Panel

C65. The Investigation Panel will typically be appointed within 30 working days of the submission of the Screening Committee's report recommending a Formal Investigation. It will be constituted and work in accordance with the Terms of Reference at Annex 7 and the process outlined below. In carrying out the Formal Investigation the Investigation Panel will not work to a prescribed timetable. The Panel will conduct the investigation as quickly as reasonably practicable without compromising the Principles of the Procedure.

C66. Where there is more than one Respondent, the Investigation Panel may determine a different outcome for each Respondent. The decision relating to each Respondent will be made confidentially to him/her alone; where practicable, it will not be communicated to the other Respondent. To this end, it may be necessary to provide more than one version of the report of the Investigation Panel.

Hearing

C67.

C82. Should the allegations proceed to UCL's disciplinary process relating to staff, the report of the Investigation Panel may form part of the evidence that the disciplinary panel receives. All the information collected and brought to light through the Procedure will be made available under the disciplinary process. The Chair (or nominated alternate) may be required to present the findings of the Investigation Panel to the disciplinary panel.

C83. Where allegations have not been upheld (in full or in part), the Registrar will take such steps as are appropriate, given the seriousness of the allegations, to support the reputation of the Respondent and any relevant research project(s) (see Annex 8).

C84. Where the Investigation Panel concludes the allegations are frivolous, vexatious and/or malicious, the Registrar will consider recommending to the appropriate parties that action be taken under UCL's relevant disciplinary process against any employee or student of UCL who is found to have made frivolous, vexatious and/or malicious allegations of misconduct in research. If the allegations were made by anyone outside of UCL, the Registrar will consider recommending to their employer, where known, that action should be taken under their respective disciplinary process.

C85. It is not intended that the Procedure will be used in place of any disciplinary or regulatory process, although it may be a prelude to such a process. Information gathered in the course of an investigation may become relevant to, and disclosed in, any such disciplinary or regulatory process.

C86. Questions relating to the reports of both the Screening Committee and Investigation Panel can only be raised with the Chair of either body over matters of fact (Annexes 6 and 7). The Complainant and Respondent will not have the option of appealing against the reports of either stage of the Procedure. Should the matter subsequently be referred to the relevant disciplinary process, then the Respondent will have a right of appeal as part of that process.

C87. Once it has completed the report and reached a conclusion, the work of the Investigation Panel in relation to the allegation is then concluded and the Panel should be disbanded. As the matter may then give rise to disciplinary or other action, members of the disbanded Investigation Panel should not make any comment on the matter in question, unless formally sanctioned by UCL or otherwise required to by law. They should also remember that all information concerning the case was given to them in confidence.

C88. Any queries or requests for comment addressed to members of the Investigation Panel should be referred to the Registrar.

C89. Those who have contributed to, or served on, the disbanded Investigation Panel should have no further involvement in the Procedure, unless formally asked to clarify a point in their written report at a subsequent investigation.

C90. Involvement in either the Screening or the Investigation Panel rules out participation in any disciplinary

should consider the use of the recommendations set out in any case where misconduct in research has been investigated.

C92. The timing of any actions taken will be compatible with UCL's relevant disciplinary process.

10. No communication, either oral or written, will be entered into with any representative (including legal advisers) advising the Complainant and/or Respondent. All parties must only communicate with the Screening Panel, Screening Committee and the Investigation Panel via the Secretary throughout the process.

11. The Complainant and/or Respondent will indicate the relevance of any supporting evidence they submit to the Screening Panel, Screening Committee and the Investigation Panel. The Screening Panel, the Screening Committee and the Investigation Panel reserve the right, acting reasonably, to determine that any documentation submitted is not relevant to its c054 (mun.1 6u)-12.3nj -0.002 Tc 0.001 Tw 0.289 0 b9cr.d9cr.-12.3 (

- there is a legal requirement to do so (for example, pursuant to a Production O

29. The declaration of an interest by an individual does not automatically exclude him/her from participating in the investigation. The Registrar will decide if an interest declared by the individual warrants exclusion from involvement in the investigation and record the reasons for the decision.

30. In the interests of openness and transparency, the Registrar will consider whether it would be appropriate to invite members from outside UCL to join both the Screening Committee and Formal Investigation Panel of the Procedure.

31. Detailed and confidential records will be maintained on all aspects, and during all stages, of the Procedure. It is the responsibility of the Registrar to see that such records are maintained and made available at all stages for any use of UCL's disciplinary processes.

32. At the conclusion of the proceedings, all records should be retained by UCL (within Snt wFd001 Tw 2.843 0 Td [(S)Tj 0

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