



Procedure for the Investigation of allegations of misconduct in Postgraduate Research

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Procedure for the investigation of allegations of misconduct in Postgraduate Research

A. Introduction

1. The University of Essex is committed to undertaking high quality research and knowledge exchange in an environment of high standards of research integrity, governance, and good practice. The University's Code of Good Research Practice sets out the expectations of all who engage in or support our research and knowledge exchange ('researchers') in and/or for the University. Those responsible for postgraduate research students conducting research have a particular duty to ensure that this group 'researchers in training' receive appropriate training in the ethical and research integrity, such that they are made aware of good practice in the conduct of and dissemination of the results of research.
2. The University's Code of Good Research Practice must be drawn to the attention of all postgraduate researchers at an early stage, and forms part of an essential briefing from the supervisor(s) and general induction. Each postgraduate research (PGR) student will be required to sign-off to say they have read and understood the Code of Good Research Practice as part of their first Supervisory Panel report.
3. The University expects all students:
 - to carry out their research with rigour, respect, and integrity
 - to behave with honesty and integrity in relation to coursework, examinations, and other assessed work;
 - to be familiar and act in accordance with the conventions of academic writing including appropriate referencing of sources and acknowledgement of assistance;
 - to show understanding of ethical considerations and be compliant with the relevant University Procedures.
4. Failure by a PGR student to comply with the provisions of the Code of Good Research Practice may be grounds for action under this Procedure and may also be subject to action under the University's disciplinary procedures. Alleged misconduct in research relating to a doctoral student's research or to a thesis that has been submitted for examination will normally be investigated under this Procedure. Exceptions to this are as follows:

- i. Where a student is part of a wider team that is subject to allegations of research misconduct, both procedures will be used in parallel to undertake the investigation, with the actions or penalties applying to the student being consistent with and carried out under the Procedure for the Investigation of Allegations of Research Misconduct in Postgraduate Research.
 - ii. Where a student is also a member of staff undertaking a PhD in the context of their academic role or as a condition of employment, the individual will be considered to be a member of staff and the Procedure for the Investigation of Allegations of Misconduct in Research and all of its elements will apply in their case.
 - iii. Where the student is undertaking a PGR programme in which the form of assessment is more akin to taught assessment (as determined by the Faculty Dean (Postgraduate), the Faculty Dean may, as an initial action, apply instead the procedures applicable for Postgraduate Taught students under the Academic Offences Procedure, including the range of penalties that may be applied.
5. Staff and students have a duty to report misconduct in research if they have good reason to believe it is occurring (see Section F). The University will investigate allegations or complaints about misconduct in research or about scientific or scholarly fraud. This Procedure is consistent with and guided by the University's Procedure for the Investigation of Allegations of Misconduct in Research.
6. Any internal complainant who can be shown to have acted maliciously may also be subject to action under the University's disciplinary procedures.
7. PGR Students who wish to submit their work to a formal process of internal scrutiny (in the event of retraction of published work or similar) are required to initiate this Procedure.
8. The Vice-Chancellor appoints a Faculty Dean (Postgraduate) to be the institutional 'Named Person' for oversight of this Procedure and research integrity concerns or complaints that relate to a postgraduate research student, whether they arise internally or from outside of the University.
9. The development of this Procedure has drawn on the University Procedure for the Investigation of Allegations of Misconduct in Research, UK Research Integrity Office's Procedure for the Investigation of Misconduct in Research (UKRIO, August 2008).

B. Scope

10. This Procedure applies to any postgraduate research student conducting research during the period that they are registered as a student at the University, including research undertaken by a registered visiting research students. This procedure does not apply to staff who are also registered as research students – please see paragraph 4. This Procedure does not apply to undergraduate, taught postgraduate, and other types of students.
11. The Procedure will also apply to any allegation of research misconduct made against a registered PGR student undertaking research under the auspices of the University, whether the student commenced the research at Essex or at another institution.
12. Alleged misconduct in research relating to a thesis which has been submitted for examination will be investigated under this Procedure, as will cases relating to PGR graduates of the University already in receipt of their award. The University will follow this Procedure through to completion even in the

event that the individual(s) concerned cease(s) to be registered as a student with the University, either before the operation of this Procedure is concluded or before the allegation(s) of research misconduct was made.

13. Where an allegation is made against a person that is no longer a student of the University, University policies and procedures should be followed as if the individual were a student. The former student will retain all rights afforded to students in this procedure, including due notification of the allegation, access to evidence and documentation, the right to support and representation by a member of the University or Students' Union and the right to appeal.
14. Nothing in this Procedure shall limit the right of the University or a member of staff of the University or a student of the University to exercise their rights under any Statutes and Ordinances concerning discipline and grievance.

C. Definition of Misconduct

15. Misconduct in research is defined as any breach of the University's Code of Good Research Practice, or other practices that seriously deviate from those that are commonly accepted within the academic and research communities for proposing, conducting, reporting, translating or using research. It specifically encompasses, but is not restricted to:
 - a. Fabrication, including the creation of false data or other aspects of research, including documentation and participant consent;
 - b. Falsification, including the inappropriate manipulation and/ or selection of data, imagery and/ or consents;
 - c. Misrepresentation of data and/ or interests and/ or involvement and/ or qualifications, experience or credentials and/ or publication history;
 - d. Plagiarism, including the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission;
 - e. Failure to follow required legal, regulatory or professional obligations or processes;
 - f. Failure to declare actual or potential conflicts of interest to supervisor(s) or others as required;
 - g. Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to humans, animals used in research or the environment;
 - h. Any breach of data protection legislation or failure to follow accepted procedures or to exercise due care in carrying out responsibilities for the proper handling of privileged or private information on individuals or organisations collected during the research;
 - i. Improper conduct in peer review (or equivalent) of research proposals, results, manuscripts or other processes;

- j. Intentional damage to, or removal of, the research-related property of another;
 - k. Improper dealing with allegations of misconduct;
 - l. Intentional non-compliance with the terms and conditions governing the award of external funding for research; the University's policies and procedures relating to research, including accounting requirements, ethics, and health and safety regulations; or any other legal or ethical requirements for the conduct of research.
16. Misconduct in research does not include unintentional error or professional differences in interpretation or judgment of data.
17. For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission.

D. Definitions

18. **Complainant:** the person or persons who has/have made the allegation of research misconduct. This could be a member of the University or an external complainant.
19. **Respondent:** the person who is the subject of the allegation of research misconduct. For the purposes of this Procedure, the respondent is the PGR student subject to investigation under this Procedure.
20. **Named Person:** the senior person in the University, appointed by the Vice Chancellor, with responsibility for this implementing this Procedure. Except in cases of a conflict of interest, the relevant Faculty Dean (Postgraduate) will be the Named Person for this Procedure.
21. **Investigator:** the senior member of the University's academic staff, who does not have any involvement in, relationship to or conflict of interest in the research. For the purposes of this Procedure, the Investigator may be the Head of Department/School, the departmental Graduate Director or Director of Research, or the Faculty Dean (Postgraduate), depending upon which Level of this procedure the investigation has reached (see definitions of Levels 1, 2 and 3 below).
22. **Right to Reply:** the right of the Respondent to provide a response to the allegations made against them. This opportunity to respond to the allegations can be presented orally or in writing, and opportunities to respond will be given throughout the investigation.
23. **Amicus curiae:** an impartial adviser or presenter of information, who is not the complainant and is not involved in the investigation or decision-making but is able to assist the investigation by offering information, expertise, or insight that has a bearing on the allegations being investigated. For the purposes of this Procedure it is likely that a member of academic staff from the Respondent's department will outline the allegation being considered, performing the role of an amicus curiae.
24. **Initial Action:** the Named Person will assess the concern or allegation raised against the definitions of research misconduct provided in Section C to determine whether it is in the scope of this

Procedure. The Initial Action assessment enables the Named Person to determine whether the allegation falls within the definition of research misconduct on the basis of the available information. The Initial Action could result in dismissal of the case, referral via an alternative procedure or referral to the relevant Level of this Procedure.

25. **Level 1 Initial Investigation:** Following the Initial Action, the allegations of research misconduct could be referred to the Head of Department/School (HoD/HoS) for initial review (Level 1). Level 1 Initial Investigations is the lowest level.
26. **Level 2 Research Misconduct Investigation (by Named Person):** Following the Initial Action, the allegations of research misconduct could be referred for formal investigation; Level 2 referrals are made when the allegation is considered to be too serious to resolve by informal action.
27. **Level 3 Research Misconduct Panel:** when the allegation of research misconduct is considered to be too serious to resolve by action within the decision making powers of the Named Person (Level 2), or where the investigation requires a panel hearing, the case will be referred to Level 3. This is the highest level of action.

E. Safeguards and right to reply

28. A presumption of innocence is maintained until the investigation process is complete. Complainants who have made allegations in good faith, whether substantiated or not, will be protected. The University is committed to ensuring that all allegations of research misconduct are investigated thoroughly, fairly, expeditiously, and with care and sensitivity.
29. Any Postgraduate Student studying at the University of Essex who is subject to investigation through this procedure may seek support and guidance via the Student Services Hub and any other student support services or independently from SU Advice.
30. A student has the right to reply to any allegation and must be given the opportunity to meet with the Named Person, or the relevant investigator at any stage of the procedure, before a final decision about the allegation is made. Right to reply may be submitted in the form of either a written or oral representation.
31. An allegation of research misconduct is potentially defamatory and, therefore, actionable in law. For the protection of the Respondent (the student who is the subject of the allegation) and Complainant (the person making the allegation), this Procedure must be conducted in strict confidentiality and disclosed only to those identified as having a role in the Procedure. The identity of the Complainant(s) or the Respondent(s) will not be made known to any third party unless it is deemed necessary in order to carry out the investigation.
32. Individuals involved in carrying out the investigation procedure must at all times bear in mind the five principles of the Procedure, namely: Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance. They should confirm when appointed under this Procedure that they have no conflict of interest with the case. They will not make any comment on the allegation or its investigation unless

formally requested by the University or otherwise required to by law. They will treat all information concerning the allegation and its investigation as confidential.

33. At any stage of the process the Named Person (the senior person in the University with responsibility for this Procedure), supported by the PGRE Team, may decide to take specific immediate actions, to prevent further risk or harm, or where there are any contractual or regulatory obligations relating to the situation, such as reporting the allegation or the initiation or outcome of the investigation to an external body.
34. Decisions to contact any external parties will be taken only after an initial assessment of the allegation by the Named Person. The relevant Head of Department or School and student's supervisor(s) will be contacted on all these occasions.
35. The Respondent and the Complainant may be accompanied at any meeting required under this Procedure by another member of the University or Students' Union. They should be informed of this right in any correspondence.
36. The operation of this Procedure will be supported by the PGRE Team to enable full and consistent recording of the proceedings. They will support the Named Person and any Investigator or Panel appointed under this Procedure, drawing on the most recent UK Research Integrity Office documentation (UKRIO, 2008 being the version at time of approval of this Procedure) for guidance as necessary. This support will include taking relevant administrative actions.
37. Throughout this Procedure correspondence may be in physical or electronic form, and the phrase 'in writing' will be taken to mean either form.
38. This Procedure sets out expected timescales, but they are not binding on the University. Any substantive delay should be explained to all parties in writing. All references to a period of days mean working days.
39. Students may request reasonable adjustments to these procedures in line with the rights that students retain under the Equality Act 2010. Requests should be made to the Named Person and will be considered individually, and students will be notified of the adjustments that have been agreed to in writing and at the earliest opportunity.

F. Details of the Procedure

1. Raising a Concern about Postgraduate Research Student Research Conduct

40. A concern about the conduct of the research undertaken by a postgraduate student at the University should be raised with the relevant Faculty Dean (Postgraduate), who is the University's Named Person with respect to this Procedure. The concern should be provided in writing to the PGRE Team, who support the Faculty Deans [\(Postgraduate\) with such matters: pgresearch@essex.a.uk](mailto:pgresearch@essex.a.uk)

(This email address has access restricted to members of the PGRE Team)

41. If for any reason the individual believes that it is inappropriate for the allegation to be made to the Named Person, then the matter should be raised with the Dean for Postgraduate Research & Education. If the allegation is made to the Faculty Dean (Postgraduate) but they have any connection with the allegation, it will be passed to the Dean for Postgraduate Research & Education, who may act as Named Person or appoint an alternative Faculty Dean (Postgraduate) to undertake the role of Named Person.
42. A member of staff or student may also choose to raise a concern in the first instance with a Head of Department, departmental Director of Research, line manager or colleague and ask that person to support them in bringing forward the allegation.
43. Any member of staff or student in receipt of an allegation of research misconduct should inform the PGRE Team who will acknowledge receipt of the concern or allegation and implement this procedure.

2. Initial Actions

44. The Faculty Dean (Postgraduate) will assess the concern or allegation against the definitions of research misconduct provided in Section C to determine whether it is in the scope of this Procedure. They will inform and may seek advice from the PGRE Team and Research Governance and Planning Manager, or may take legal or other expert advice, as appropriate, in confidence.
45. If the concern or allegation relates to research misconduct the Faculty Dean (Postgraduate) will ask the Complainant(s) to submit in writing a detailed statement in support of the allegation (if they have not already done so) indicating: the precise allegation(s); the substantiating evidence; and what informal steps, if any, have already been taken to resolve the issue.
46. The Faculty Dean (Postgraduate) will also take other such actions as are required (i.e. for safety, statutory, regulatory or contractual reasons) and to secure all relevant records, materials and locations. Suspension of research or other restrictions may also be relevant in some cases. In the case of any allegation made against a student undertaking the thesis examination process, the examination will be suspended until the completion of the Procedure. Furthermore, students will not be able to submit their thesis for examination whilst being investigated under the Procedure, until such time as the Procedure has been completed.
47. Within five working days of the receipt of the full written formal allegation from the Complainant, the Faculty Dean (Postgraduate) will inform the Respondent that an allegation of research misconduct has been made against them and provide them with a copy of the allegation. A copy of this Procedure will also be provided to them. The Respondent may provide a written or oral response to the allegation, within 10 working days of their receipt of the formal allegation.
48. Where the situation is not considered to be serious in nature, local resolution or mediation via the Named Person should be attempted before starting the Procedure, where possible.

49. The Initial Action assessment enables the Faculty Dean (Postgraduate) to determine whether the allegation falls within the definition of research misconduct on the basis of the available information. If the Faculty Dean (Postgraduate) determines that the allegation falls outside of the scope of this Procedure, they will inform the Complainant in writing, providing reasons for the decision and which process or body might be appropriate for handling the concern, allegation or complaint.
50. Where the allegation relates to financial fraud or other misuse of research funds or equipment / facilities, the Faculty Dean (Postgraduate) may choose to initiate an investigation under the University's Financial Regulations and supporting Financial Procedure Notes rather than this Procedure.
51. The Faculty Dean (Postgraduate) should confirm the outcome of initial assessment to the Complainant, in writing, within 10 days of receipt of the concern or allegation. The initial assessment could result in dismissal of the case, referral via an alternative procedure, or referral to the relevant Level of this Procedure.

3. Level 1 Initial Investigation

52. Following the decision of the Faculty Dean (Postgraduate) that the allegation falls within the scope of this procedure, initial allegations of research misconduct will be reported to the HoD/HoS for initial review (Level 1). The HoD/HoS performs the role of Investigator, unless they delegate this role to the Graduate Director or Director of Research. If the HoD/HoS is the Complainant OR is personally associated with the work to which the allegation relates OR has any other conflict of interest OR is directly involved with any related complaints, grievances or appeals, they should refer the case back to the Named Person, who will refer the allegation to an alternative senior member of teaching or research faculty (such as another HoD/HoS from a different department/school).
53. The following instances of research misconduct may be dealt with by the Investigator at Level 1
- a. A *first instance* of plagiarism (including the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission) in informal submissions of work or formal submissions to the Supervisory Panel prior to the formal submission for examination;
 - b. A *first instance* of misrepresentation of data which is judged to have been owing to error, misunderstanding or other extenuating circumstances.
54. Both the Respondent and the Complainant have the right to submit evidence to the Investigator, orally and in writing. The Respondent must be given the opportunity to respond to the allegation, meet with the investigator and to comment on all of the evidence gathered by the Investigator. The Respondent has the right to support and representation by a member of the University (staff and students) or Students' Union.
55. If the situation is considered not to be serious enough to refer to Level 2, the Investigator will write a report outlining their investigation and outcome (which could include dismissal of the case,

Research Integrity training for the student and/or a review of how the department ensures postgraduate students receive advice about Research Integrity matters) to be reported to the Faculty Dean (Postgraduate). See Appendix 1: Guidelines for Outcomes, Penalties and Actions.

56. The Investigator may seek confidential advice from persons with relevant expertise, both within the University and outside it, in order to complete the initial review.
57. The Investigator will normally aim to complete the initial review and produce a draft report within 30 working days of receipt of the original referral.
58. If the Investigator believes the case meets the criteria for formal investigation via the Procedure, the case will be referred back to the Named Person (via the PGRE Team) for investigation via Level 2 Research Misconduct Investigation.
59. Where an allegation is made against a group, efforts will be made at this step in the process, and at all subsequent steps, to identify which group members are not subject to the investigation.
60. The Faculty Dean (Postgraduate) will confirm the outcome of the Level 1 Investigation to the Respondent and the Complainant and the next steps or actions to be taken.
61. Where a Formal Investigation is recommended, the Faculty Dean (Postgraduate) will inform the Head of Department, and Supervisor(s) of the Respondent.

4. Formal Investigation – Level 2 Research Misconduct Investigation (by Named Person)

62. The purpose of the Formal Investigation is to examine the evidence and decide if research misconduct has been committed and, if so, the seriousness of the misconduct.
63. Level 2 referrals are made when the allegation is considered to be too serious to resolve by informal action; including allegations made after the submission of the thesis for formal examination and/or in the case of a previously proven academic offence/research misconduct allegation against the same student.
64. Ahead of commencing the Level 2 Research Misconduct Investigation, the Faculty Dean (Postgraduate) will determine whether the allegation is considered to be too serious or there is sufficient evidence to suggest it should be referred to a Research Misconduct Panel, or whether it is appropriate to deal with the allegation via the Level 2 Research Misconduct Investigation (i.e. by an outcome/penalty determined by the Faculty Dean (Postgraduate)).
65. The Faculty Dean (Postgraduate), as Named Person, will consider the written allegation, any supporting evidence, the Respondent's written or oral statement and any other relevant documentation or background information.
66. The Named Person can, if judged necessary, require the Respondent or other members of the University to produce files, notebooks, raw data, algorithms, and other records.

67. The Named Person should meet the Respondent (and the Complainant where appropriate), plus others as necessary, as part of their investigation. Both the Respondent and the Complainant have the right to submit evidence to the Named Person orally and in writing. The Respondent must be given the opportunity to respond to the allegation and to comment on all of the evidence gathered by the Named Person. The Respondent has the right to support and representation by a member of the University or Students' Union.
68. The Named Person may also seek confidential advice from persons with relevant expertise, both from within the University and outside it, in order to complete the Formal Investigation.
69. At the conclusion of the Level 2 Research Misconduct Investigation (by Named Person), the Named Person will conclude, giving the reasons for their decision whether the allegation of misconduct in research is:
- a. upheld in full; or
 - b. upheld in part;
 - c. not upheld and will be dismissed; or
 - d. referred to Level 3 Research Misconduct Panel for consideration as, during investigation, they have determined that the allegation is too serious to resolve by action within the decision making powers of the Named Person and/or the investigation requires a panel hearing.
70. When concluding whether an allegation is upheld in full, upheld in part or not upheld, the standard of proof used is that of 'on the balance of probabilities'.
71. The Named Person may determine that an allegation is not upheld because it is mistaken, frivolous, vexatious and/ or malicious or is otherwise without substance. The Named Person may also determine that an allegation is not upheld because of a lack of intent to deceive or due to its relatively minor nature. In some cases, although not upheld, the Named Person may recommend education and training to avoid future allegations or misunderstandings.
72. The Named Person may make recommendations on any actions to: address any misconduct it has found; correct the record of research; address any procedural matters that the investigation has brought to light; give consideration to the role of the research student's supervisor(s) in fulfilling their responsibilities such that it may be appropriate (if significant failing proven) to recommend training or disciplinary action be taken against the supervisor(s). The Named Person may also make recommendations on the future operation of this Procedure. See Appendix 1: Guidelines for Outcomes, Penalties and Actions.
73. The Named Person will confirm the outcome of the Formal Investigation to the Respondent and the Complainant and, where and in the manner appropriate, the next steps or actions to be taken.

5. Formal Investigation – Level 3 Research Misconduct Panel

74. Level 3 referrals are made when the allegation is considered to be too serious to resolve by action within the decision making powers of the Named Person, or where the investigation requires a panel hearing. The Research Misconduct Panel will identify action to be implemented following the investigation and the outcome to be reported.
75. The Research Misconduct Panel will be composed of the Faculty Dean (Postgraduate), as Chair, and two members of academic staff (not limited to the student's faculty). Academic staff to fulfil a role on in Level 3 Research Misconduct Panels will be nominated (by their department) at the start of each academic year and will receive training for the role. The Faculty Dean (Postgraduate) will not appoint a member who is the Complainant OR is personally associated with the work to which the allegation relates OR has any other conflict of interest OR is directly involved with any related complaints, grievances or appeals.
76. Depending upon the nature of the allegation, it may also be relevant to co-opt the Faculty Dean (Research) or a member of the Faculty Ethics Committee to provide an expert opinion as a Panel member. A member of academic staff from the student's department will outline the allegation being considered, performing the role of an *amicus curiae* (unless the allegation involves a member of staff from the department, in which case an alternative *amicus curiae* will be appointed).
77. The Chair of the Panel will be responsible for the conduct of the Panel under this Procedure. The Panel will consider the written allegation, any supporting evidence, the Respondent's written or oral statement and any other relevant documentation or background information. All documentation considered by the Panel will be shared, in advance, with the Respondent.
78. The Panel can, if it judges necessary, require the Respondent or other members of the University to produce files, notebooks, raw data, algorithms, and other records.
79. The Panel will meet both the Respondent and the Complainant, plus others as necessary, as part of the Panel Meeting. Both the Respondent and the Complainant have the right to submit evidence to the Panel orally and in writing. The Respondent must be given the opportunity to respond to the allegation and to comment on all of the evidence gathered by the Panel.
80. The Panel may also seek confidential advice from persons with relevant expertise, both within the University and outside it, in order to complete the Formal Investigation.
81. At the conclusion of the Formal Investigation, the Panel will conclude, giving the reasons for its decision and recording any differing views, whether the allegation of misconduct in research is:
- a. upheld in full; or
 - b. upheld in part; or
 - c. not upheld and will be dismissed.

82. When concluding whether an allegation is upheld in full, upheld in part or not upheld, the standard of proof used is that of 'on the balance of probabilities'.
83. The Panel may determine that an allegation is not upheld because it is mistaken, frivolous, vexatious and/ or malicious or is otherwise without substance. The Panel may also determine that an allegation is not upheld because of a lack of intent to deceive or due to its relatively minor nature. In some cases, although not upheld, the Named Person may recommend education and training to avoid future allegations or misunderstandings.
84. The Panel may make decisions and recommendations on any actions to: address any misconduct it has found; correct the record of research; address any procedural matters that the investigation has brought to light; give consideration to the role of the research student's supervisor(s) in fulfilling their responsibilities such that , in rare cases, it may be appropriate to recommend training or disciplinary action be taken against the supervisor (if significant failing proven) and/ or preserve the academic reputation of the University. The Panel may also make recommendations on the future operation of this Procedure. See Appendix 1: Guidelines for Outcomes, Penalties and Actions.
85. Where the allegation is not upheld, the Faculty Dean (Postgraduate) should take such steps, as are appropriate in the light of seriousness of the allegations, to sustain the reputation of the Respondent and the relevant research project(s).
86. The conclusions of the Panel will be shared with the Head of Department, Graduate Director and supervisor(s) of the Respondent.
87. The Faculty Dean (Postgraduate) will confirm the outcome of the Formal Investigation to the Respondent and the Complainant and, where and in the manner appropriate, the next steps or actions to be taken.

G. Findings and Subsequent Actions

88. The Faculty Dean (Postgraduate) will, where appropriate, notify the following in writing of the outcome of the investigation: any relevant regulatory or professional bodies; any relevant partner organisations; and any other persons or bodies as they deem appropriate, including but not limited to the editors of any journals that have published articles concerning research linked to an upheld allegation of misconduct in research and/ or by a person against whom an allegation of misconduct in research has been upheld.
89. The Faculty Dean (Postgraduate) will also take any administrative actions that may be necessary to: meet all legal and ethical requirements; protect the funds and/ or other interests of grant- or contract-awarding bodies; and meet all contractual commitments, including any relating to disclosure of the outcome of the Formal Investigation.
90. When it is concluded that the allegation is not upheld but any arising issues will be addressed through education and training, the Faculty Dean (Postgraduate) will work with relevant University staff to establish a programme of training or supervision in conjunction with the Respondent and

their supervisor(s). This programme will include measures to address the needs of staff and students working with the Respondent.

91. Guidelines and example outcomes, penalties and actions that could be applied following the investigation of an allegation of Research Misconduct in Postgraduate Research are outlined in Appendix 1 of this Procedure.

H. Right of Appeal

1. Submitting an Appeal

92. Students have the right of appeal against any finding or outcomes/penalties resulting from this procedure, on one or more of the following grounds:

- i. there is new evidence, which for good reason was not previously available to the Named Person, which might have materially affected the outcome;
- ii. the Named Person did not follow this Procedure, which disadvantaged the student's case;
- iii. there is evidence of prejudice and/or bias during the procedure;
- iv. on the balance of probabilities, the facts of the case did not justify the decision that the student had committed an offence of research misconduct;
- v. the penalty imposed was unreasonable with regard to all the circumstances of the case.

93. The Academic Registrar (or nominee) will acknowledge receipt of the appeal within 5 working days.

94. The University will endeavour to complete the appeal proceedings within 20 working days from receipt of the appeal form and supporting evidence. During this time, the student must meet all deadlines set. Occasionally there will be circumstances when, for good reason, the University will need to extend the timeframe. Where this is the case, the student will be notified and kept regularly informed of progress.

95. On receipt of an Appeal, the Named Person whose decision the appeal is made against is asked to write a Statement of the Case which shall include:

- i. the details of the charge(s) in respect of which the decision that was made;
- ii. a brief summary of the evidence and of the relevant findings;
- iii. the decision, including the details of any penalty imposed;
- iv. a brief comment as to the reason for such findings, decision and penalty;
- v. any further information that may be deemed to be relevant.

96. An Executive Dean or their deputy who has no previous involvement with the case (hereafter the Appointed Dean) will be appointed to deal with the appeal.

2. Duties of the Appointed Dean

97. The Appointed Dean shall consider whether or not the request discloses a valid ground for an appeal. Where it is agreed that the appeal does have valid grounds, the case shall be referred to a Postgraduate Research Misconduct Appeal Committee.

98. Should the Appointed Dean decide to dismiss the appeal, the student will be sent a Completion of Procedures letter.

3. Postgraduate Research Misconduct Appeal Committee

99. The Postgraduate Research Misconduct Appeal Committee will have the same authority and be composed in the same way as a Level 3 Research Misconduct Panel but, will operate with the following differences:

- i. The Appointed Dean chairs the Postgraduate Research Misconduct Appeal Committee.
- ii. The Named Person attends the Appeal Committee but is not a member of the committee. The Secretary shall be responsible for providing the Named Person with the relevant documentation;
- iii. where a Committee has adjourned and it is necessary to co-opt additional members, these must be approved by the Appointed Dean or the Pro-Vice-Chancellor (Education);

100. A Postgraduate Research Misconduct Appeal Committee shall have the power to:

- i. rescind the previous resolution that the student has committed a Research Misconduct offence and rescind all consequential penalties;
- ii. confirm the previous resolution that the student is guilty of research misconduct;
- iii. confirm or amend (increasing or decreasing) the penalty allocated originally, provided that any amendment is consistent with the powers of the original authority.

101. A Postgraduate Research Misconduct Appeal Committee can only apply a more serious penalty where evidence or information is provided by the student as part of the appeal, or where new evidence is submitted by the Complainant or Named Person at the request of the Appeal Committee that indicates that the offence is more severe.

102. The student may withdraw an appeal at any time before the meeting of the Committee.

4. Internal Review

103. Any request for internal following the formal conclusion of the Postgraduate Research Misconduct Appeal Committee may be made on the grounds of procedural irregularity only, specifically that the Committee departed from the prescribed procedures. If the student wishes to request an internal review against the outcome on the grounds of procedural irregularity, they should write to the PGRE Team within 10 working days of the date of the Postgraduate Research Misconduct Appeal Committee meeting. The request must set out in detail the evidence to support their claim that there were procedural irregularities in the process.
104. Should the Pro-Vice-Chancellor (Education) (or nominee), decide that the request does not have valid grounds it will be dismissed and the student will be sent a Completion of Procedures letter.
105. If there is evidence to support the request then the case will be reviewed by the Pro-Vice-Chancellor (Education) (or nominee). If the Pro-Vice-Chancellor (Education) (or nominee), decides that there were procedural irregularities in the process then the case will be referred to a new Postgraduate Research Misconduct Appeal Committee.

5. External Review

106. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints or appeals. When the University's internal procedures for dealing with complaints and appeals have been completed exhausted, the University will issue a Completion of Procedures letter.
107. Students will be issued with a Completion of Procedures letter when:
- i. the Appointed Dean has deemed the appeal to not have valid grounds;
 - ii. the Pro-Vice Chancellor (Education) or their nominee has dismissed the request for internal review.
108. Students may also request a Completion of Procedures within 20 working days that the outcome of the Postgraduate Research Misconduct Appeal Committee was confirmed in writing.
109. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within twelve months of the issue of the Completion of Procedures letter. Full details of the scheme are available on request and will be enclosed with the Completion of Procedures.

I. Reporting, Record Keeping and Use of Anonymised Reports for Internal Training

110. Reports generated by Initial Reviews and Formal Investigations of allegations addressed under this Procedure will be circulated, in confidence, on an annual basis to both Education Committee and the Research Committee, as will follow-up reports relating to any actions taken following the conclusion of such investigations. All such reports will be anonymised and/ or have content redacted as appropriate.
111. An annual Statement will be published on the University website in November each year, reporting data from the previous academic year. The wording of this statement will be approved by the University Council, having first been approved by the University Steering Group and Senate each year. The statement will include, in tabulated format, the number of formal investigations, their outcome and whether the allegation(s) was made against staff or student. It will also describe the activities undertaken to comply with the Concordat to Support Research Integrity.
112. At the conclusion of the proceedings of an investigation, records will be kept by the Research Governance team in the Research and Enterprise Office for 10 years. Access to the archive will be limited to appropriate members of the Research Governance team, the Registrar and Secretary and their nominated alternates.

Appendix 1: Guidelines for Outcomes, Penalties and Actions

The following instances of research misconduct may be dealt with by the Investigator at Level 1:

- a. A *first instance* of plagiarism (including the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission) in informal submissions of work or formal submissions to the Supervisor Panel prior to the formal submission for examination;
- b. A *first instance* of misrepresentation of data which is judged to have been owing to error, misunderstanding or other extenuating circumstances.

All other instances must be considered by the Named Person and referred to Level 2 or Level 3 of the Procedure if not dismissed during the initial assessment.

Outcomes and penalties¹

The following are examples of outcomes and penalties that could be applied, following the investigation of an allegation of Research Misconduct against a Postgraduate Research Student, in cases where the decision is to partially or fully uphold the allegation of misconduct in research:

Level 1 outcomes and penalties

1. Referral to Research Integrity Training (this outcome could also be used in conjunction with any of the subsequent outcomes listed below);
2. Formal written warning;
3. The student be required to resubmit the thesis drafts (i.e. in cases of pre-submission assessment of thesis) with minor amendments only, as determined by the Investigator/Named Person/Research Misconduct Panel;

¹ Outcomes marked with an asterisk (*) can only be determined and applied by a Research Misconduct Panel.

Level 2 outcomes and penalties

1. Referral to Research Integrity Training (this outcome could also be used in conjunction with any of the subsequent outcomes listed below);
2. Formal written warning;
3. The student be required to resubmit the thesis with minor amendments only, as determined by the Investigator/Named Person/Research Misconduct Panel;

Level 3 outcomes and penalties

1. Referral to Research Integrity Training (this outcome could also be used in conjunction with any of the subsequent outcomes listed below);
2. Formal written warning;
3. The student be required to resubmit the thesis with minor amendments only, as determined by the Investigator/Named Person/Research Misconduct Panel;
4. The student be required to resubmit the thesis with major amendments, as determined by the Named Person/Research Misconduct Committee, for consideration of a lower award (i.e. the student be downgraded to an MPhil or Masters by Dissertation)*;
5. The student be required to withdraw with no qualification awarded*.

Additional outcome and penalty after a viva examination:

1. Award to be rescinded*.

Appendix 2: Guidance and Sources of Information and Support

Code of Research Practice

<https://www.essex.ac.uk/-/media/documents/directories/reo/code-of-good-researchpractice.Pdf>

Information about research governance at Essex

<https://www.essex.ac.uk/staff/research-governance>

Resources for ethical approval at Essex

<https://www.essex.ac.uk/staff/research-governance/ethical-approval-resources-for-applicants>

Academic integrity and authorship tutorial

<https://moodle.essex.ac.uk/course/view.php?id=5844>

Resources about academic integrity, authorship and plagiarism

<https://www.essex.ac.uk/student/exams-and-coursework/avoid-academic-offences>

Resources for research and academic skills support

<https://www.essex.ac.uk/student/postgraduate-research/online-training>

<https://www.essex.ac.uk/student/postgraduate-research/proficio-internal-courses>

<https://www.essex.ac.uk/student/academic-skills>

<https://www.essex.ac.uk/student/academic-skills/workshops>

Other Relevant External Policies:

UKRIO (2008), Procedure for The Investigation of Misconduct in Research, UK Research Integrity Office, August 2008

<https://ukrio.org/publications/misconduct-investigation-procedure/>

UUK (2019), Universities UK Concordat to Support Research Integrity, October 2019
<https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/theconcordat-to-support-research-integrity.pdf>

Key contacts:

PGRE Team – pgresearch@essex.ac.uk

SU Advice Centre (offering free, confidential, independent and impartial advice) -
suadvice@essex.ac.uk

<https://www.essexstudent.com/advice/>

Document Control Panel

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