

ST GEORGE'S, UNIVERSITY OF LONDON & ST GEORGE'S HEALTHCARE TRUST

PROCEDURE FOR INVESTIGATING ALLEGATIONS OF RESEARCH MISCONDUCT

1 Background

1.1 This procedure governs all research undertaken at or reported in the name of:

- St George's, University of London (hereafter referred to as 'the University')
- St George's Healthcare Trust (hereafter referred to as 'the Trust')

Where this procedure simply refers to St George's without further qualification, the appropriate statement(s) applies equally to both the University and the Trust.

1.2 St George's expects all research undertaken at or in the name of the Institution to be conducted to the highest standards of research practice. As an RCUK recognised research organisation, it is a requirement that all research funded by the research councils adheres to the 'RCUK Policy and Code of Conduct on the Governance of Good Research Conduct'. In line with this and central to St. George's Research Strategy, it is the expectation that all research conducted at or in the name of the Institution should be carried out to the highest levels of integrity, adhering to the principles outlined in the RCUK Code of Conduct. Any departures from this Code of Conduct may result in allegations of 'Research misconduct'.

1.3 As signatories to the Universities UK (UUK) 'Concordat to Support Research Integrity', St George's is committed to:

- Maintaining the highest standards of rigour and integrity in all aspects of research;
- Ensuring that research is conducted according to appropriate legal, professional and ethical frameworks and standards;
- Creating a research environment that is underpinned by a culture of integrity, based on good governance, best practice and support for the development of researchers;
- Having robust, transparent and fair processes in place to deal with allegations of research misconduct should they arise (*i.e.* this procedure);
- Continually working to strengthen the integrity of research and reviewing progress regularly and openly.

1.4 This procedure relates specifically to the investigation of allegations of research misconduct made against any current or past employees and/or students of St George's in relation to research carried out during the course of their employment and/or study. The procedure also extends to relate to staff that may not be employees or students of St George's but who conduct their research at or attribute their research to St George's.

1.5 This procedure is based upon the 'Procedure for the Investigation of Misconduct in Research' authored by the UK Research Integrity Office (UKRIO), and is informed by the principles of the UUK 'Concordat to Support Research Integrity' and the Committee on Publication Ethics (COPE).

1.6 This procedure may produce outcomes which may require action in accordance with the appropriate disciplinary or other relevant process. For those researchers who are current or former employees of the University or the Trust and who have undertaken their research under their contract of employment, the relevant disciplinary process will be the Staff Disciplinary Process for the University or the Trust, respectively. Where a current or former researcher, irrespective of their employment status, has conducted their research at or in the name of St George's pursuant to a research degree (MD(Res) or MPhil/PhD) for which they are or were enrolled with the University, the relevant disciplinary process will be the Student Disciplinary Process.

2 Principles

2.1 The following principles must inform the carrying out of this procedure:

- Fairness
- Confidentiality
- Integrity
- Prevention of detriment
- Balance

(These principles are each elaborated in Appendix 1).

3 Summary of the Procedure

3.1 The procedure identifies a 'named person' as the individual to whom allegations of research misconduct may be made (from a complainant within or outside St George's). This Named Person will be identified by either the Principal (for the University) or the Chief Executive (for the Trust). The Named Person for the University is currently the Dean for Research (alternative: a Director of Research Institute) and for the Trust is the Medical Director (alternative: Associate Medical Director for Research).

3.2 The Named Person is responsible for:

- Receiving allegations of misconduct in research;
- Initiating and supervising the procedure for investigating allegations of misconduct in research;
- Maintaining the information record during the investigation and subsequently reporting on the investigation with internal contacts and external organisations;
- Take decisions at key stage of the procedure.

3.3 The main stages of the procedure are as follows:

- Preliminary Steps (to include informal resolution where appropriate)
- Screening Panel
- Investigation Panel

Of the above stages, the Preliminary Steps constitute the informal phase of the procedure, whereas referral of allegations to a Screening Panel and (where deemed necessary) to an Investigation Panel together constitute the formal phase of the procedure.

4 Scope

4.1 The procedure allows allegations of misconduct in research to be investigated once submitted to the relevant Named Person formally in writing by the Complainant.

4.2 Those entitled to bring complaints about research are not restricted to being a member of staff (present or past) of St George's. Concerns raised in writing by external parties should be forwarded to the relevant Named Person.

4.3 Allegations may be investigated under this procedure irrespective of such developments such as:

- The Complainant withdrawing the allegation at any stage;
- The Respondent admitting, or having admitted, the alleged misconduct in full or in part;
- The Respondent or the Complainant resigning or having already resigned their post or no longer being employed by St George's;
- The Respondent or the Complainant withdrawing or having already withdrawn from study and no longer being registered as a student at St George's.

5 Definition of research misconduct

5.1 In applying this procedure, research misconduct may include any or all of

those definitions appearing in the UUK Concordat to Support Research Integrity, the UKRIO Procedure for the Investigation of Misconduct in Research' and the COPE guidelines, these being:

- Fabrication;
 - Falsification;
 - Plagiarism;
 - Failure to meet ethical, legal and professional obligations;
 - 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; and
 - the environment; and
 - the proper handling of privileged or private information on individuals collected during the research
 - Misrepresentation of interests and or involvement;
 - Improper dealings with allegations of misconduct.
- (Each of the above definitions are elaborated in Appendix 2)*

5.2 The basis for reaching a conclusion that an individual is responsible for misconduct in research relies on a judgment that there was an **intention** to commit the misconduct and/or there has been a departure from acceptable practice in the conduct of any aspect of a research project.

6 Preliminary Steps

6.1 Upon receipt of allegations of misconduct in research, the Named Person should formally acknowledge receipt of the allegations by letter to the Complainant (and his/her representative by agreement), in which he/she should also advise him/her of the procedure that will be followed.

6.2 The Named Person will notify the Complainant of the distinction between the informal and formal stages of the procedure where the preliminary steps (conducted by the Named Person) constitute the informal phase and referral on to a Screening Panel and (where necessary) an Investigation Panel constitute the formal phase of the procedure. Situations that are not considered to be serious in nature might be resolved by informal discussion and/or mediation, without the requirement for referral to a Screening Panel for formal investigation.

6.3 The Named Person should review the nature of the allegations to ascertain whether any immediate actions need to be taken. These may include:

- Situations that require immediate action to prevent further risk or harm to staff, participants or other persons, suffering to animals or negative environmental consequences;
- The necessity to notify legal or regulatory authorities;
- Where allegations include behaviour other than the alleged misconduct which may be subject to the relevant staff or student disciplinary process.

Where the latter circumstance applies, the Named Person may take steps to implement the relevant disciplinary process which may continue in parallel with this procedure (but would be confined to the allegations other than those relating to research misconduct).

6.4 The Named Person should review the nature of the allegations by referring to the definition of misconduct in paragraph 5 above. Where the allegations are outside the definition, the Named Person should communicate this to the Complainant in writing.

6.5 Where the allegations are within the definition of research misconduct and an informal resolution is not appropriate, the procedure should move to the formal

stage and the Named Person should inform (as appropriate):

- The Principal (for the University) or Chief Executive (for the Trust)
- University Director of Human Resources
- Trust Director of Human Resources

that allegations of research misconduct have been received and that they will be investigated using this procedure. In the event that the Named Person is one of the alternatives provided for in paragraph 3.1, the Named Person will also notify the Dean of Research (for the University) or Medical Director (for the Trust).

6.6 The Named Person should investigate whether the research project which the allegations relate to includes contractual obligations that require any prescribed steps in the event of allegations of misconduct in research being made.

6.7 The Named Person should normally inform the Respondent that allegations of misconduct in research have been made which involve him/her. The Respondent should be informed of this in a confidential meeting. The Respondent will be given the opportunity to respond to the allegations at a later stage.

6.8 The Respondent may be accompanied to this meeting by a colleague or trade union representative. A summary of the allegations in writing should be given to the Respondent (and his/her representative by agreement) at the meeting or as soon as practicable thereafter, together with a copy of the procedure that will be used to investigate the allegations. This meeting will constitute the conclusion of the informal phase of the procedure and progression to the formal phase of the same procedure.

6.9 The Named Person should convene a Screening Panel, as detailed in Appendix 3.

6.10 The Named Person should normally complete the Preliminary Steps within 10 working days of receiving an allegation.

7 Screening Panel Stage

7.1 The screening stage is intended to determine whether there is *prima facie* evidence of misconduct in research. The Screening Panel should be constituted and work in accordance with the principles outlined at Appendix 1 and the process outlined in Appendix 3.

7.2 The Screening Panel should determine whether the allegation(s) of misconduct in research:

- are mistaken, frivolous, vexatious and/or malicious;
- have some substance but due to a **lack of intent to deceive or** due to their relatively minor nature, should be addressed through training and development rather than through the next stage of the procedure; or
- are sufficiently serious and have sufficient substance to justify convening an Investigation Panel to which the allegation(s) can be referred.

7.3 The Screening Panel should **normally** aim to complete its work within 30 working days of being convened by the Named Person. The Chair should forward the Screening Panel's report to the Named Person, the Respondent and the Complainant (and their representatives by agreement).

7.4 When allegations are considered mistaken, frivolous, vexatious and/or malicious, they will be dismissed. The Named Person should consider recommending action under the relevant disciplinary process against anyone who is found to have made frivolous, vexatious and/or malicious allegations.

7.5 When there is clear evidence of an infringement that might contravene the relevant disciplinary code, the Named Person should consult the Director of Human Resources of both the University and the Trust on the transfer of all case information to the Staff or Student Disciplinary Process, as appropriate.

7.6 When the allegations have substance, but due to a **lack of clear intent to deceive** or due to their relatively minor nature, it may be appropriate for the matter to be addressed through appropriate training and development rather than by reference on to a formal Investigation Panel.

7.7 Where the Screening Panel recommends that the allegation should progress to the investigation stage, the Named Person will convene an Investigation Panel as soon as practicable.

7.8 The Named Person will inform the following that a formal investigation of the allegation(s) is to take place:

- The Respondent (and his/her representative by agreement);
- The Complainant (and his/her representative by agreement);
- The Principal or Chief Executive, as appropriate
- Director of Human Resources of the University;
- Director of Human Resources of the Trust ;
- The relevant Institute Director, Divisional Chair or equivalent, as appropriate;
- Any partner organisation with which either the Respondent and/or Complainant has an honorary / joint contract.

In the event that the Named Person is one of the alternatives provided for in paragraph 3.1, the Named Person will also notify the Dean of Research or Medical Director, as appropriate. Where there are deemed to be financial implications, the Named Person may also notify the Directors of Finance for the University and Trust.

8 Investigation Panel Stage

8.1 The Named Person should then convene the Investigation Panel which should be constituted and work in accordance with the principles outlined at Appendix 1 and the process outlined in Appendix 4.

8.2 During the investigation, the Investigation Panel may interview the Respondent and Complainant. The role of the Investigation Panel is to review all the relevant evidence and conclude whether, on the balance of probabilities, the allegations of misconduct in research are:

- not upheld;
- upheld in part;
- upheld in full.

8.3 The Investigation Panel may conclude that allegations are not upheld for reasons of being mistaken, frivolous, vexatious and/or malicious.

8.4 The Investigation Panel should normally be appointed by the Named Person within 15 working days of the submission of the Screening Panel's report recommending a formal investigation. The Panel should conduct the investigation as quickly as reasonably possible and **normally** within 30 working days of being convened.

8.5 The Investigation Panel should then produce a report that:

- summarises the conduct of the investigation;

- states whether the allegations of misconduct in research have been upheld in whole or in part, giving the reasons for its decision and recording any differing views;
- makes recommendations in relation to any matters relating to any other misconduct identified during the investigation; and

8.6 If all or any part of the allegations are upheld, the Named Person, Directors of Human Resources for the University and Trust and at least one other member of senior staff should then decide whether the matter should be referred to the Staff and/or Student Disciplinary Process, as appropriate.

8.7 The Named Person should inform parties previously informed under paragraph 7.8 above of the outcome of the investigation.

8.8 Should the allegations proceed to a disciplinary process, the report of the Investigation Panel should form the basis of the evidence for that disciplinary process.

8.9 Where allegations have not been upheld (in full or in part), the Named Person should 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).

8.10 As with the screening process, where the Investigation Panel concludes the allegations to have been frivolous, vexatious and/or malicious, the Named Person should consider recommending to the appropriate authorities that action be taken under the relevant disciplinary process.

8.11 The Respondent has no right to appeal against the reports of either stage of the procedure.

APPENDIX 1

PRINCIPLES

- Misconduct in research is a serious matter and the investigation of allegations of misconduct in research must be conducted in accordance with the highest standards of integrity, accuracy and fairness.
- Those responsible for carrying out investigations of alleged misconduct in research should act with integrity and sensitivity at all times.
- The following principles of Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance as defined below must inform the carrying out of this Procedure.

1 Fairness

- 1.1 The investigation of any allegations of misconduct in research must be carried out fairly and in accordance with the statutory human rights of all parties involved.
- 1.2 Where anyone is formally accused of misconduct in research, that person must be given full details of the allegations in writing (unless a criminal investigation or some other substantial reason prevents this).
- 1.3 When someone is formally investigated for alleged misconduct in research, he/she must be given the opportunity to set out his/her case and respond to the allegations against him/her.
- 1.4 To ensure a fair investigation, an individual may not be a member of both the Screening Panel and the Investigation Panel and, if he/she has been involved in either, he/she should not be part of any subsequent Disciplinary Process.

2 Confidentiality

- 2.1 The identity of the Complainant or the Respondent should not be made known to any third party unless:
 - it is necessary in order to carry out the investigation;
 - it is necessary as part of action taken against the Respondent if allegations have been upheld;
 - it is necessary as part of action taken against a person who has been found to have made malicious, vexatious or frivolous allegations;
 - it is part of a necessary disclosure to a third party.
- 2.2 While the allegations are under investigation, the Complainant, the Respondent, witnesses or any other persons involved should respect the confidentiality of the process.

3 Integrity

- 3.1 All parties involved must inform the Named Person immediately of any interests that they have which might constitute a conflict of interest in respect of the allegations, the investigation, the area(s) of research in question or any of the persons concerned.
- 3.2 Where the Named Person receiving the initial allegation(s) has any interest which might constitute a conflict of interests, s/he should declare these and refer the investigation to the designated alternative provided for in paragraph 3.1 of the procedure. The alternative should decide if the original Named Person should be excluded from any further involvement in the investigation, recording the reasons for the decision.
- 3.3 Confidential records should be maintained on all aspects, and during all

stages, of the procedure.

- 3.4 At the conclusion of the proceedings, all records should be retained by the Human Resources Department for a period not shorter than six years.

4 Prevention of Detriment

- 4.1 In using this procedure, and in any action taken as a result of using the procedure, care must be taken to protect:

- individuals against frivolous, vexatious and/or malicious allegations of misconduct in research;
- the position and reputation of those alleged to have engaged in, misconduct, when the allegations or suspicions are not confirmed; and the position and reputation of those who make allegations of misconduct in research in good faith.

- 4.2 The screening stage of the procedure is intended to determine whether allegations are of sufficient substance to proceed to a formal investigation.

- 4.3 Where this is the case, the Investigation Panel should establish, on the balance of probabilities, the substance of any allegations.

- 4.4 St George's must take all reasonable steps to ensure that the Respondent (or any other party) does not suffer in the event of unconfirmed or unproven allegations.

5 Balance

- 5.1 Those responsible for carrying out this procedure must be aware that there may be occasions when a balance has to be struck in the application of the principles.

- 5.2 The Named Person should be responsible for resolving any conflicts amongst the principles, keeping in mind at all times that the primary goal of this procedure is to determine the substance of the allegations.

- 5.3 The named person should also be responsible for ensuring the integrity of this procedure and any actions taken as a consequence of it.

APPENDIX 2

INDICATIVE DEFINITIONS OF RESEARCH MISCONDUCT

1. **FABRICATION**
Making up results or other outputs (e.g. artefacts) and presenting them as if they were real
2. **FALSIFICATION**
Manipulating research processes or changing or omitting data so as to alter the research record
3. **PLAGIARISM**
Using other people's ideas, findings or interpretations without giving proper credit
4. **FAILURE TO MEET ETHICAL, LEGAL AND PROFESSIONAL OBLIGATIONS**
For example:
 - Failure to declare competing interests;
 - Breach of confidentiality;
 - Conducting a study without appropriate approvals including, but not limited to, research ethics;
 - Lack of informed consent to participate in or provide samples for a study;
 - Misuse of personal data;
 - Abuse of research subjects or materials, including the removal of research property without approval of the rightful owners.
5. **FAILURE TO FOLLOW ACCEPTED PROCEDURES OR TO EXERCISE DUE CARE IN CARRYING OUT RESPONSIBILITIES FOR AVOIDING UNREASONABLE RISK OR HARM TO:**
 - Humans (including the researcher and his/her colleagues as well as study subjects);
 - Animals used in research (whether under or exempt from the terms of a Home Office license);
 - The environment
 - The proper handling of privileged or private information on individuals collected during the research.
6. **MISREPRESENTATION OF INTERESTS AND/OR INVOLVEMENT**
For example:
 - Failure to include an author who has contributed to a research report ('ghost authorship');
 - Inclusion of an author who did not participate in a study or make a justifiable contribution to the research report ('gift authorship').
7. **IMPROPER DEALING WITH ALLEGATIONS OF MISCONDUCT**
Failing to address possible infringements such as attempts to cover up misconduct and reprisals on 'whistle-blowers'

APPENDIX 3

OPERATION OF THE SCREENING PANEL

1 Purpose of Screening Stage

The Screening Stage of the procedure is intended to determine whether there is *prima facie* evidence of misconduct in research. The Screening Panel should be convened to investigate allegations of misconduct in research, which have passed through initial review by the Named Person and are therefore considered as:

- not encompassing breaches of the law or areas within the domain of the relevant regulatory authority;
- not encompassing breaches of St George's regulations;
- constituting research activity for which St George's is the Sponsor or has primary responsibility;
- involving a Respondent where the University or Trust is the primary employer or where it has primary responsibility, agreed with other employing organisations; and
- having substance, in that it is not considered **at this stage**, to be mistaken, frivolous, vexatious and/or malicious.

2 Terms of reference for the Screening Panel

2.1 Members appointed to the Screening Panel should elect a chair and make a declaration that they:

- will adhere to the principles of the procedure (see Appendix 1);
- will abide by the procedure as it affects the work of the Screening Panel;
- will work within the Terms of Reference for the Screening Panel;
- have declared any links to the research and/or the individuals involved in the allegations or any interests which might conflict with the principles of the procedure; and
- will maintain the confidentiality of the proceedings.

2.2 The Screening Panel should:

- maintain a record of evidence sought and received, and conclusions reached;
- conduct an assessment of the evidence which may include interviewing the Respondent and the Complainant and other staff whom the Panel consider to the investigation;
- provide a draft report to the Named Person, who will forward it to the Respondent and the Complainant (and their representatives by agreement) for comment on the factual accuracy of the report;
- produce a final report which considers the allegations of misconduct in research and reaches one of the conclusions below in 2.3.
- aim to complete its work within 30 days wherever possible.

2.3 The Panel should recommend to the Named Person that the allegations:

- are mistaken, frivolous, vexatious and/or malicious;
- have substance but due to a lack of intent to deceive or due to their relatively minor nature, should be addressed through training and development; or
- are sufficiently serious and have sufficient substance to justify a formal investigation.

- 2.4 Once it has completed reached a conclusion, completed and submitted the report, the work of the Screening Panel is complete and the members should take no part in any further investigation of the allegations should that prove necessary.

3 Constitution of the Screening Panel

- 3.1 The Screening Panel should normally consist of at least three senior members of staff selected by the Named Person from those within St George's. In selecting the members of the Screening Panel, the Named Person should consider:
- any conflicts of interest that might arise;
 - the subject matter of the allegations;
 - any links with any of the persons involved (Respondents or Complainants);
 - any personal connections with the subject matter of the allegations; and
 - any connections with the work through, for example, the University's groups established to review proposals for research or ethics committees.
- 3.2 The Named Person must not be a member, nor seek to influence the work, of the Screening Panel.
- 3.3 It is desirable, but not essential, that the Screening Panel will be selected entirely from the staff of the University or Trust.

4 The Work of the Screening Panel

- 4.1 The Screening Panel may call expert witnesses to give advice if necessary and as appropriate but such witnesses do not become members of the Screening Panel.
- 4.2 The Chair has the responsibility to ensure adequate recording and maintenance of all proceedings.
- 4.3 To perform its function the Screening Panel should:
- review the submission and supporting evidence provided by the Complainant;
 - review the evidence and supporting documentation from the Respondent who should be given the opportunity to respond to the allegations, set out his/her case and to present evidence;
 - review any background information relevant to the allegations; and interview the Respondent, the Complainant and other individuals who might provide relevant information to assist the Panel.
- 4.4 The Screening Panel should consider the evidence and determine whether the allegation(s):
- are mistaken, frivolous, vexatious and/or malicious;
 - should be referred directly to the University or Trust's formal disciplinary investigatory process;
 - are sufficiently serious with sufficient substance to justify a formal investigation;
 - are of a minor nature such that they should be referred to:
 - the appropriate line manager in the University or Trust where the Respondent is an employee;
 - the Head of the Graduate School where the Respondent is registered with the University as a research degree student;
 - the Named Person where the Respondent is neither a member of

staff nor a research degree student registered with the University.

- have some substance but due to **a lack of intent to deceive** or due to their relatively minor nature, should be addressed through education and training or other non-disciplinary approach rather than through the next stage of the procedure or other formal proceedings.

- 4.5 The Screening Panel's draft report will be made available to the Respondent and the Complainant for comment.
- 4.6 The Panel should inform all relevant parties of its conclusion (including representatives of the Respondent and the Complainant by agreement) and the reasons for reaching that conclusion in a final report.
- 4.7 Those who have contributed to the Screening Panel should have no further involvement in the procedure, unless formally asked to provide clarification of any points arising during the screening stage by the Investigation Panel.

Appendix 4

OPERATION OF THE INVESTIGATION PANEL

1 Purpose of the Investigation Panel

The Investigation Panel should be convened to investigate allegations of misconduct in research which the screening Panel have considered sufficiently serious to justify a formal investigation.

2 Terms of Reference of the Investigation Panel

2.1 Members appointed to the Investigation Panel should:

- elect a chair;
 - declare that they will adhere to the principles of procedure (see Appendix 1);
 - will work within the Terms of Reference for the Investigation Panel;
 - have declared any links to the research and/or the individuals involved in the allegations or any interests which might conflict with the principles of the procedure; and
 - will respect the confidentiality of the proceedings throughout the work of the panel and afterwards, unless formally sanctioned by the University or Trust or otherwise required to by law.

2.2 The Investigation Panel should:

- receive all relevant information from the Screening Panel as background for the investigation;
- set a date for the investigation, which should be conducted as quickly as possible without compromising the stated principles of the procedure;
- maintain a record of evidence sought and received, and conclusions reached;
- conduct an assessment of the evidence;
- hear the Complainant and such other individuals as the Panel consider relevant to the investigation;
- hold a formal hearing, to hear the Respondent's response to the allegations made;
- consider the allegations of misconduct in research and reach a conclusion on the allegations with the standard of proof used to reach that decision being "on the balance of probabilities";
- report any further, distinct, instances of misconduct in research by the Respondent which may be disclosed, unconnected to the allegations under investigation and/or misconduct in research by another person or persons, to the Named Person in writing, along with supporting evidence; and
- aim to reach a unanimous decision, failing which a majority decision will be acceptable.

- 2.3 The Investigation Panel should then produce a final report that:
- summarises the conduct of the investigation;
 - states whether or not the allegations of misconduct in research have been upheld, in whole or in part, giving the reasons for its decision and recording any differing views;
 - makes recommendations in relation to any matters relating to any other misconduct identified during the investigation; and
 - addresses any procedural matters that the investigation has brought to light within the University or Trust and relevant partner organizations and/or funding bodies.
- 2.4 The report should be sent to the Named Person.
- 2.5 Once the report is complete and a conclusion has been reached, the work of the Investigation Panel is concluded and should be disbanded. Panel members should take no part in any further investigation of the matter, unless formally asked to clarify a point in their written report at a subsequent investigation. 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 the University or Trust or otherwise required to by law.

3 Constitution of the Investigation Panel

- 3.1 The Investigation Panel should normally consist of at least three, and always an uneven number of, senior members of staff selected by the Named Person with relevant skills and experience to serve on such a panel. The panel members should be senior members of research active staff (at the level of Senior Lecturer and above or Consultant/Senior GP) holding substantive contracts with the University or the Trust.
- 3.2 In selecting members of the Investigation Panel, the Named Person should consider:
- the subject matter of the allegations;
 - any potential links with any of the persons involved (Respondents or Complainants), or personal connections with the subject matter of the allegation(s);
 - any connection(s) with the work through, for example, the University or Trust's groups established to review proposals for research or its ethics committee(s).
- 3.3 It is a requirement that one or more members of the Investigation Panel be selected from outside St George's. Allegations that involve senior staff and/or that are judged to be especially serious, complex or controversial may benefit particularly from a member who is not associated with St George's. There would also be advantage in the review of allegations that involve staff on joint clinical/honorary contracts for there to be on the Investigation Panel an appropriate member of staff from the other employing organization(s).
- 3.4 At least two members of the Investigation Panel should normally have experience in the area of research in which the alleged misconduct has taken place, although they should not be members of the Division or Department concerned. It is recognized that where allegations concern highly specialised areas of research it may be difficult to identify two members with experience of the area of research from outside the relevant Division or Department. In such cases, the Named Person must determine whether members of

the Division or Department in which the Respondent has been working can be included in the Investigation Panel without introducing potential for conflicts of interest.

- 3.5 The Named Person must **not** be a member nor seek to influence the work of the Investigation Panel.
- 3.6 The Named Person should nominate members of the Investigation Panel for approval by the Principal (University), Chief Executive (Trust) or their nominated deputy.
- 3.7 Both the Respondent and the Complainant may raise with the Named Person any concerns that they may have about those chosen to serve on the Investigation Panel, but do not have a right of veto over those selected.
- 3.8 Once convened, the membership of the Investigation Panel should not be changed or added to. Members who are not able to continue should not be replaced. In the event that the Chair stands down or the membership falls below three members, the Named Person should disband and re-start the Investigation Panel phase with a new panel that excludes former members.
- 3.9 The Investigation Panel may call expert witnesses to give advice, if necessary and as appropriate.
- 3.10 The Chair is responsible for keeping a full record of the evidence received and of the proceedings.
- 3.11 To perform its task the Investigation Panel should review:
 - the submission(s) and supporting evidence provided by the Complainant;
 - the response(s) and supporting evidence from the Respondent who should be given the opportunity to respond to the allegations made and to present evidence;
 - background information relevant to the allegations; and
 - any interviews conducted with the Respondent, the Complainant, and other staff who may provide relevant information to assist the Investigation Panel.
- 3.12 The Panel must hold a Formal Hearing during which:
 - the Respondent must be given the opportunity to set out his/her case and respond to the allegations made against him/her;
 - the Respondent will also be allowed to ask questions, to present evidence, call witnesses and raise points about any information given by any witness (including the Complainant), regardless of who has called the witness in question; and
 - the Complainant and other staff may be invited to provide evidence when members of the Panel consider that it may have relevance to the investigation.
- 3.13 Although not obliged to work to a prescribed timetable, the Investigation Panel should set a date for the completion of the investigation, which should be as soon as is practical without compromising the principles of the procedure.
- 3.14 The role of the Investigation Panel is to consider the allegation of misconduct in research and reach a conclusion about those allegations. The standard of proof used by the Investigation Panel is that of “on the balance of probabilities”.

- 3.15 A majority decision is acceptable, though a unanimous decision is desirable.
- 3.16 It is acceptable for the Investigation Panel to conclude that allegations are upheld in part rather than in full.

4 The Findings of the Investigation Panel

- 4.1 Once the Investigation Panel has reached a conclusion it should produce a final report that:
- summarises the investigation;
 - states whether the allegations of misconduct have been upheld in full or in part, giving the reasons for its decision and recording any differing views;
 - makes informal recommendations to resolve any issues relating to any misconduct it has found and to address any procedural matters which the investigation has brought to light within the University / Trust and relevant partner organisations and/or funding bodies; and
 - reports other matters that should be investigated.
- 4.2 The report should be sent to the Named Person who should inform the following individuals of the conclusion of the formal investigation:
- The Respondent and the Complainant (and their representatives by agreement);
 - The Principal or Chief Executive, as appropriate;
 - The Director of Human Resources for the University.
 - The Director of Human Resources for the Trust.
- In the event that the Named Person is one of the alternatives provided for in paragraph 3.1, the Named Person will also notify the Dean of Research (for the University) or Medical Director (for the Trust).
- 4.3. Should the Investigation Panel find that the allegation(s) of misconduct in research are upheld in full or in part, the Named Person should also inform:
- The relevant Institute Director, Divisional Chair or equivalent , as appropriate;
 - Relevant partner organisations, funding bodies and/or regulatory or professional bodies as deemed appropriate in consultation with the Principal or Chief Executive.
- 4.4 The work of the Investigation Panel 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 the University or otherwise required to by law.
- 4.5 Those who have contributed to the disbanded Investigation Panel should have no further involvement in the procedure, unless formally asked to clarify a point in their written report during the course of the subsequent formal investigation.
- 4.6 Involvement in either the Screening or the Investigation Panel rules out participation in any disciplinary process arising from the procedure.