



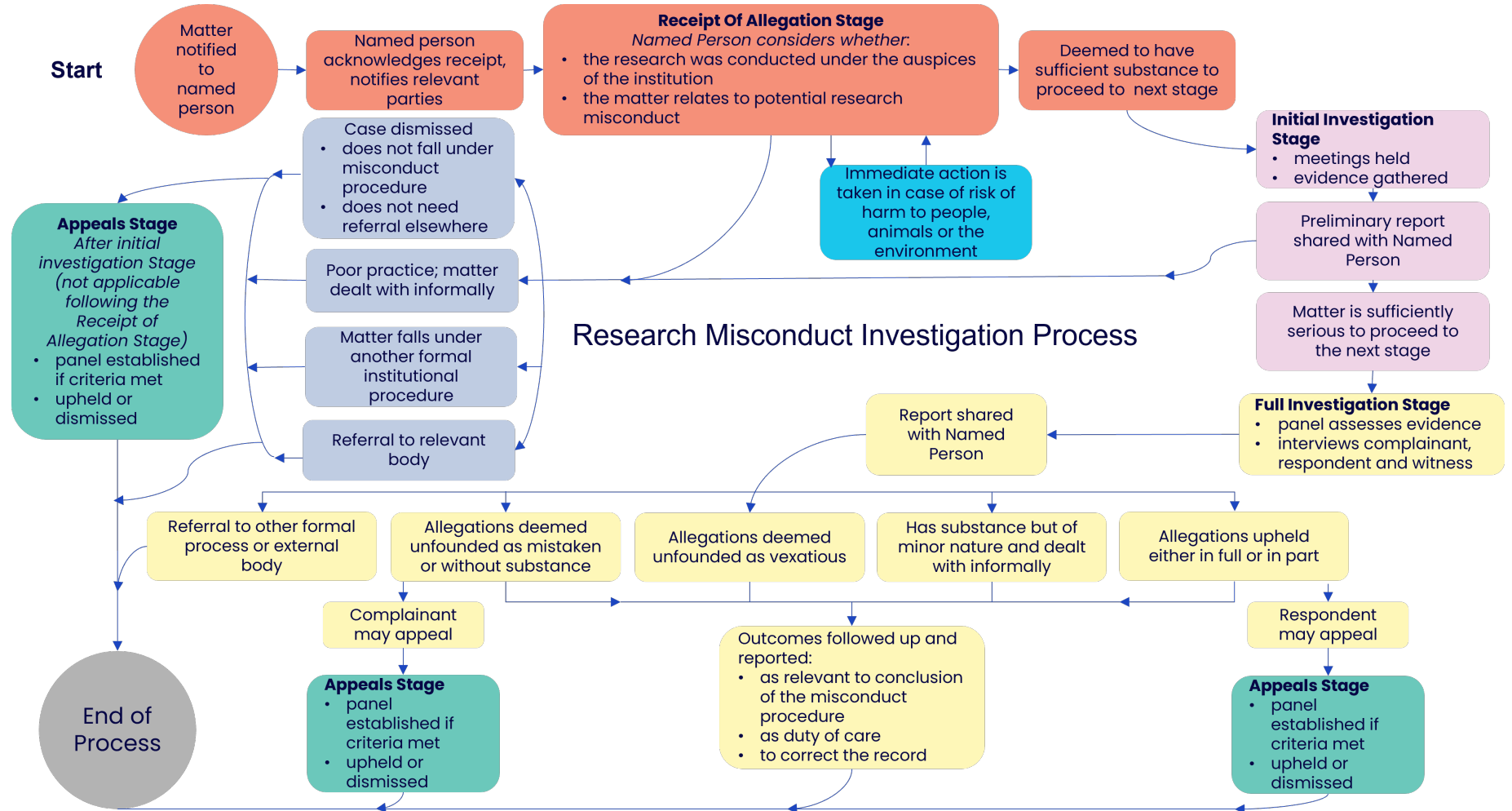
Procedure for the Investigation of Research Misconduct Allegations

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Flowchart of the procedure



Flowchart of the procedure. A summary of the procedure can be found in the [Overview section](#).

Overview

This Procedure outlines the process to be followed when allegations of research misconduct are brought against a researcher in relation to research conducted in the name of The Open University (OU). It seeks to discharge the University's responsibilities sensitively and fairly, in accordance with the [Principles](#) (Annex 2) and [Standards for the operation of this Procedure](#) (Annex 3).

Responsible

The OU's Named Person with overall responsibility for research integrity, supported by the Research Integrity Officer.

The Pro-Vice-Chancellor Research and Innovation is the OU's Named Person, and research integrity support is provided by the Research Integrity Officer (nominally the Senior Manager Research Governance).

Receipt of Allegations Stage

The purpose is to determine the most appropriate process to investigate or address the allegation. The aim is to determine whether the matter falls under the OU Procedure for the Investigation of Research Misconduct Allegations (in terms of both the matter raised and the individuals identified). The substance of the matter raised will NOT be investigated at this stage.

Responsible

The Named Person, supported by the Research Integrity Officer.

Timescale

10 working days (subject to caveats outlined in the Procedure).

Possible Outcomes (summary)

- Progress to the Initial Investigation stage of this Procedure
- Refer to another internal procedure or to an external organisation
- Address through informal measures
- Dismiss because the matter does not fall under the Procedure's remit and does not need to be referred to another internal procedure, nor to an external organisation

Appeal

There is no right of appeal against the outcomes of this stage.

Initial Investigation stage

The purpose is to determine whether there is sufficient evidence of research misconduct to warrant a full investigation of the allegation or whether alternative action(s) should be taken.

Responsible

The Named Person appoints an Investigator.

Timescale

30 working days (subject to caveats outlined in the Procedure).

Possible Outcomes (summary)

- Substance (major) – progress to Full Investigation stage of this Procedure

- Some substance (minor) – address through informal measures
- Refer to another internal procedure or to an external organisation
- Unfounded because it is without substance

Appeal

There is a right of appeal in defined circumstances against defined outcomes of this stage, as set out in Procedure.

Full Investigation stage

The purpose is to review all the relevant evidence and conclude whether or not an allegation of research misconduct is upheld, and to make recommendations, if necessary, to address any research misconduct; correct the research record; address any other matters uncovered during the investigation.

Responsible

The Named Person appoints an Investigation Panel and Panel Chair.

Timescale

Three months (subject to caveats outlined in the Procedure).

Possible Outcomes (summary)

- Upheld in full/or upheld in part
- Some substance (minor) – address through informal measures
- Refer to another internal procedure or to an external organisation
- Unfounded because it is without substance

Appeal

There is a right of appeal in defined circumstances against defined outcomes of this stage, as set out in Procedure.

Outcomes and reporting stage

The purpose is to determine the necessary actions to be taken at the conclusion of this Procedure, which may be at the end of the Receipt of Allegations stage, the Initial Investigation stage, or the Full Investigation stage, and to ensure that the necessary actions are carried out.

Responsible

The Named Person.

Timescale

Three months (subject to caveats outlined in the Procedure).

Appeal stage

The purpose is to permit an Initiator and/or a Respondent to appeal (in defined circumstances only) against defined outcomes of an investigation carried out under this Procedure.

Responsible

The Deputy Vice-Chancellor will appoint an academic member of the Vice-Chancellor's Executive-Academic (other than the Pro-Vice-Chancellor Research and Innovation) to manage the Appeal stage (an 'Alternative Named

Person’). The Alternative Named Person appoints an Appeal Panel and an Appeal Panel Chair.

Timescale

An Appeal must be lodged within 10 working days of the outcome notification date. An appeal will be heard within two months (subject to caveats outlined in the Procedure).

Possible Outcomes (summary)

The Appeal Panel has the power to **uphold, reject** and/or **modify** defined outcomes of an Investigation, including the decisions and/or recommendations associated with it.

Appeal

There is no right of appeal against the decision of the Appeal Panel.

Section A: Context

Introduction

1. Research at The Open University is based on the principles of high standards, honesty, openness, accountability, integrity, inclusion and safety. The [Research Code of Practice](#) sets out the standards that govern OU research. All research undertaken in the name of The Open University (OU) is expected to conform to legislative, regulatory, professional, governance and ethical standards.
2. This document sets out the procedure for dealing with allegations that the standards set out in the [Research Code of Practice](#) have not been maintained by researchers undertaking research in the name of The Open University. The existence and fair operation of this procedure helps to fulfil key university responsibilities for research, such as the terms and conditions of public research funding and the commitments in the Concordat to Support Research Integrity. The way this procedure relates to other relevant policies and procedures in the OU's ethics framework is set out in the [Scope](#) section below. Terms used in this document are defined in the [Definitions](#) section (Annex 1).
3. Research misconduct is characterized as behaviour or actions that fall short of the standards of research integrity set out in the [Research Code of Practice](#). The definition of research misconduct used throughout this document is taken from the [Concordat to Support Research Integrity](#) and is replicated in the [Definitions](#) section of this document (Annex 1). Additional

examples of research misconduct that may occur in the context of a research degree are set out in section 3 of the [Postgraduate Research Student Plagiarism and Research Misconduct Policy](#)³.

4. The fair operation of this Procedure is overseen by the Pro-Vice-Chancellor, Research and Innovation, who is the OU's Named Person with overall responsibility for research integrity at the OU. For research integrity matters, the Named Person is supported by the Research Integrity Officer. Currently at the OU, this role is within the Senior Manager Research Governance's responsibilities.
5. The Procedure will be carried out in accordance with the [Principles](#) and [Standards](#) set out in Annex 2 and Annex 3 of this document respectively. Those responsible for the operation of this Procedure must ensure they are familiar with the Principles and Standards and refer to them with respect to all decisions and interpretations.
6. A person making an allegation of research misconduct will not be penalised, provided that it is done without malice and in good faith, reasonably believing the allegation to be true.
7. Staff, students and people outside the OU may make allegations of research misconduct using this Procedure. Individuals may also raise concerns about research conduct via [The Open University's Public Interest Disclosure \(Whistleblowing\) policy](#).

Purpose

8. This Procedure outlines the process to be followed when allegations of research misconduct are brought against a researcher in relation to research conducted in the name of The Open University. It recognises that the investigation of allegations of research misconduct can involve complex issues and seeks to discharge the University's responsibilities sensitively and fairly.

Scope

9. This Procedure applies to any person contracted to conduct research in the name of The Open University, regardless of location, whether alone or in collaboration with others in the University, or in collaboration with third party organisations, including but not limited to:
 - a) A member of staff.
 - b) An independent contractor or consultant.
 - c) A person with honorary associate, visiting or emeritus status.
 - d) Graduates of the OU research degree programme, where the allegations of research misconduct concern the thesis submitted for an OU research degree award.
 - e) External supervisors of directly supported postgraduate research students where the allegations concern research undertaken with an OU postgraduate research student.
10. Allegations of research misconduct made against OU postgraduate research students will normally be investigated under the [PGR Plagiarism](#)

[and Research Misconduct Policy](#), instead of under this Procedure. However, at the discretion of the University, allegations of research misconduct may be dealt with under this Procedure. Allegations of research misconduct made against OU postgraduate research students, who are also members of OU staff, will normally be investigated under this Procedure.

11. This Procedure will not normally apply to students studying taught undergraduate modules and qualifications or postgraduate students registered for taught qualifications, or studying modules that form part of a taught qualification.
12. When allegations of research misconduct are raised which include/relate to allegations of bullying/harassment, the Named Person will determine whether those allegations are investigated under this Procedure or another process, for example the OU's [Bullying and Harassment Policy and procedures \(internal link only\)](#), the [Dignity and Respect Policy](#) or [Disciplinary procedures \(internal link only\)](#) or [Code of Practice for Student Discipline](#).
13. If at any stage there is a suspicion of financial fraud or other misuse of research funds or research equipment the matter will be immediately referred to the University Secretary's Office and the Chief Auditor and may be considered under the OU's [Anti-Fraud, Bribery and Corruption Policy](#), instead of under this Procedure.
14. The OU's Statutes take precedence over anything set out in this Procedure. Notwithstanding the arrangements which follow, the Vice-Chancellor or

their nominee has the right to suspend a member of staff or student in accordance with the relevant OU Statute(s).

15. Nothing in this Procedure shall limit the right of The Open University or an OU member of staff or student to exercise their rights under any Statutes, Ordinances and procedures concerning discipline and grievance.
16. When allegations of research misconduct are raised which include research undertaken in collaboration with researchers from third party organisations, the University will endeavour to ensure that all allegations are considered fully, proportionately and fairly in accordance with the principles of cooperation and transparency set out in the [Russell Group Statement of Cooperation in respect of cross institutional research misconduct allegations](#).
17. The University will follow this Procedure through to its natural end point even in the event that:
 - a) Any individual(s) concerned leave or have left the jurisdiction of the University, either before the operation of this Procedure is concluded or before the allegation(s) of research misconduct was made.
 - b) The Initiator(s) withdrawing the allegation at any stage.
 - c) The Respondent(s) admitting, or having admitted, the allegation in full or in part.
 - d) The Respondent(s) admitting, or having admitted, other forms of misconduct, whether research misconduct or otherwise.

- e) The Initiator(s) and/or the Respondent(s) withdrawing from the Procedure.
18. When allegations of research misconduct are upheld, in full or in part, this may result in action being taken under the OU's staff [Disciplinary procedures \(internal link only\)](#) as appropriate, or under another relevant process, and may be considered good cause for dismissal in the case of members of staff.
19. When allegations of research misconduct are upheld, in full or in part, this may be considered good cause for action being taken under the [Code of Practice for Student Discipline](#), and may result in programme termination in the case of registered OU students. Where allegations of research misconduct are upheld in full or in part this may be considered good cause for rescission of award in the case of OU graduates.
20. After an investigation into alleged misconduct by any person who is not a current or former member of staff or student of the University, the Named Person will determine the nature of any further action to be taken in relation to the investigation and its outcome.
21. Reports generated by this Procedure may be used in evidence by the OU's staff [Disciplinary procedures \(internal link only\)](#), by the [Code of Practice for Student Discipline](#), by subsequent investigations under this Procedure and by other OU processes. In addition, they may be released, in full or in part or in summary form, in reporting the matter to any appropriate external organisation.

Equality, Diversity and Inclusion

22. Policies are inclusive of all Open University staff and postgraduate research students, regardless of age, care experience, caring status or dependency, civil status, disability, family status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership.

Section B: Receipt of Allegations Stage

Purpose

1. The purpose of this stage is to determine the most appropriate process to investigate or otherwise address the allegation. The primary aim is to determine whether the matter falls under the OU Procedure for the Investigation of Research Misconduct (in terms of both the matter raised and the individuals identified). The substance of the matter raised will NOT be investigated at this stage.

Responsible

2. The Named Person will carry out this stage of the procedure, supported by the Research Integrity Officer. The Named Person may identify suitable additional support to assist them and shall be free to seek confidential advice from individuals with relevant expertise internal and external to the OU.

Outcomes

3. At the conclusion of the receipt of allegations stage, the Named Person will determine whether the allegation of research misconduct:

- a) Falls under the definition of research misconduct and the scope of this Procedure and should advance to the Initial Investigation Stage of this Procedure.
- b) Falls within the scope of another formal OU process and warrants referral directly to it, including but not limited to the [Postgraduate Research Student Plagiarism and Research Misconduct Policy](#), [Bullying and Harassment Policy and procedures \(internal link only\)](#), the [Dignity and Respect Policy](#), the [Anti-Fraud, Bribery and Corruption Policy](#) or [Disciplinary procedure \(internal link only\)](#) or [Code of Practice for Student Discipline](#).
- c) Warrants direct referral to an external organisation, including but not limited to the research organisations(s) under whose auspices the research in question took place; statutory regulators; or professional bodies.
- d) Constitutes potential poor practice rather than research misconduct, and therefore the initial approach to addressing the matter will be through informal measures, such as education and training, mediation or other non-disciplinary approach, rather than through the next stage of the Procedure or other formal processes.
- e) Should be dismissed because it does not fall under the remit of the Procedure and does not need to be referred to another internal procedure, nor to an external organisation.

Timescale

4. This stage will be completed as soon as is practicable, and within ten working days provided this does not compromise the [Principles](#) or the [Standards](#) of this Procedure and the full and fair assessment of the allegation. The Named Person will explain any delays to this timescale in writing, presenting an estimated revised date of completion.

Process

5. The process for raising an allegation of research misconduct under this Procedure is as follows.
6. The Initiator may if they wish, in the first instance and where appropriate, attempt to address the issue with either the individual concerned or an appropriate senior colleague. Faculties have named contacts for raising initial concerns about research conduct on their respective Faculty research integrity web pages. They may also wish to seek confidential advice from the Research Integrity Officer. Where the Initiator is not satisfied with the outcome of an informal approach, or they do not consider such an approach appropriate, then they are invited to raise concerns via this Procedure.
7. Initiators should raise their concerns with the Named Person via the [research integrity mailbox](#).
8. When raising a concern, the Initiator should provide a summary of the allegation, where possible relating the allegation to a specific type of research misconduct contained in the [Definitions](#) section, provide

supporting detail explaining why they think research misconduct has taken place, and enclose any evidence to support the allegation. It is helpful if allegations are made in a single submission on a single occasion as this facilitates a thorough initial assessment of the complainant's concerns and reduces procedural challenges that can arise from additional allegations being made during subsequent stages of this Procedure.

9. An Initiator will normally put their name to any allegations they make. It is recognised that Initiators can be concerned about revealing their identity, even though the University will not penalise those who make allegations without malice and in good faith, reasonably believing them to be true. Anonymous allegations raised, or matters identified where there is no specific Initiator, will be considered at the discretion of the Named Person, taking into account the seriousness of the allegations and the likelihood of confirming concerns from alternative sources and evidence. Consideration will be given to whether the Respondent(s) will be able to defend themselves against an anonymous allegation.
10. If the Named Person is the Initiator or the Respondent or is personally associated with the work to which the allegation relates or has any other conflict of interest, they will instead refer the allegation to their nominated alternate who will then take on the role of the Named Person as regards the implementation of this Procedure and will be responsible for fulfilling the duties allocated to that role by this Procedure.
11. The Named Person will inform the Research Integrity Officer in confidence that an allegation of research misconduct has been received and, where

appropriate, will seek advice of People Services and/or other relevant departments regarding use of this Procedure.

12. The Research Integrity Officer, on behalf of the Named Person will acknowledge in writing to the Initiator receipt of their allegation, informing them that the allegation will be considered initially under the Receipt of Allegations stage of the Procedure and providing a copy of the Procedure to the Initiator.
13. The Named Person will assess the allegation(s) to determine whether they fall within the University's responsibility to address and, if so, what would be the most appropriate process to investigate or otherwise address them, considering whether:
 - a) The Respondent(s) is/was conducting research in the name of The Open University, and, if so, whether as a sole researcher, or together with others in the University, or with external collaborators.
 - b) The Open University is or was the lead institution for the research project(s) to which the allegation relates, and whether any collaborating institutions are/were involved in the project.
 - c) The allegation(s) potentially fall within the definition of research misconduct set out in the [Definitions](#) section.
 - d) In carrying out the assessment, the Named Person will consider information provided by the Initiator and any additional information they require to form a conclusion. The purpose of the assessment is solely to consider the most appropriate course of action for dealing with the allegation as set out in [paragraph 3](#).

14. The Named Person may decide that it is necessary to contact the Initiator(s) and/or the Respondent(s) to seek information or ask questions to carry out the above assessment. Contact will be in writing, as the Initiator and the Respondent(s) will not normally be interviewed at this stage. If it is necessary to contact the Respondent(s) they will first be informed that an allegation(s) of research misconduct has been made concerning them and that the allegation(s) is being assessed to determine what if any action should be taken.
15. The Named Person will also determine whether the allegation(s) and/or the research project(s) in question concern situations that require immediate action to prevent further risk of harm to staff, research participants or other persons, suffering of animals or negative environmental consequences (where this might contravene the law or fall below standards of good practice). If so, then the Named Person will take immediate appropriate action to ensure that any such potential or actual danger/illegal activity/risk is prevented or eliminated. It may be necessary to notify legal or regulatory authorities or relevant professional bodies, and/or relevant collaborating organisations, publishers and funders. The Respondent (s) may also need to be informed when any such actions are being carried out by the University because they may be involved in all or some of the actions or may become aware of them.
16. The Named Person will also determine whether the research project(s) to which the allegation relates includes legal or contractual obligations that require the University to undertake prescribed steps in the event of an

allegation(s) of misconduct in research being made, such as making reports to a regulatory or a funding body and take any actions necessary.

Such obligations might be in:

- a) A contract/agreement or guidance on research conduct from a regulator or a funding body.
- b) A partnership agreement/Memorandum of Understanding.
- c) An agreement to sponsor the research.

17. The Named Person will then ensure that the University will carry out all legal or contractual obligations, seeking advice from People Services and/or the Research, Enterprise and Scholarship Unit, Commercial Legal Services and other relevant OU departments as necessary. The Respondent(s) may be informed at this stage if the consequences of fulfilling the legal or contractual obligations directly affects their work.

Conclusion of this Stage and Next Steps

18. The Named Person shall write a note summarising their assessment of the allegation(s) and inform other OU contacts as appropriate of the outcome and the next steps.
19. Where the outcome is that it should proceed to the Initial Investigation, the Named Person will inform the Respondent(s), in writing, of the following:
- a) An allegation of misconduct in research has been made which involves them. Where feasible, the identity of the Initiator will normally be kept confidential from the Respondent(s) at this stage. However,

should the Named Person deem it necessary to facilitate the Investigation, the Initiator's identity will be shared with the Respondent.

- b) A summary of the allegation(s) and a copy of the Procedure.
- c) That it has been determined at the Receipt of Allegations stage that the matter has sufficient substance and falls under this procedure and therefore will proceed to the **Initial Investigation stage**.
- d) That they will be allowed to respond to the allegation(s) and set out their case.
- e) An outline of the next steps and approximate timescales. Where possible, this may include the identity of the Investigator and an indication of when they will be in contact to gain the Respondent's version of events, otherwise this information will follow.
- f) The name of an OU staff member who will support them through the next steps.
- g) When allegations have been made against more than one Respondent, the Named Person will inform each individual separately and, where practicable, not divulge the identity of any other Respondent(s).

20. For all other outcomes, the Procedure reaches its endpoint. See [Outcomes and Reporting stage](#) for follow-up action.

21. The Named Person will then inform the Initiator, in writing, of the conclusions of the review of the allegation(s), an outline of the next steps, the name of an OU staff member who will support them through the next steps.

22. The Receipt of Allegations stage now ends.
23. There is no right of appeal against the outcome of this stage.
24. The Named Person will ensure that all information received at this stage, where necessary, is fully and accurately transferred to the next stage of the procedure.

Section C: Initial Investigation Stage

Purpose

1. The purpose of this stage is to determine whether there is sufficient evidence of research misconduct to warrant a full investigation of the allegation or whether alternative action(s) should be taken.

Responsible

2. The Named Person will normally appoint an Investigator to carry out the Initial Investigation stage. The Named Person may appoint an Initial Investigation Panel consisting of two or three members of OU staff, and at their discretion, external members, when allegations involve multiple research disciplines, are especially complex or where there are significant potential conflicts of interest. The Named Person will identify suitable administrative and other support to assist the Investigator or the Initial Investigation Panel. The Investigator or the Chair of the Initial Investigation Panel shall be free to seek confidential advice from individuals with relevant expertise internal and external to the OU.

Outcomes

3. After the Initial Investigation stage, the Investigator will determine whether the allegation of research misconduct:

- a) Is sufficiently serious and has sufficient substance to warrant a Full Investigation.
- b) Has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or another non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal process.
- c) Warrants direct referral to another formal OU process including but not limited to the [Postgraduate Research Student Plagiarism and Research Misconduct Policy](#), [Bullying and Harassment Policy](#) and [procedures](#) (internal only), the [Dignity and Respect Policy](#), the [Anti-Fraud, Bribery and Corruption Policy](#) or [Disciplinary procedure \(internal link only\)](#) or [Code of Practice for Student Discipline](#).
- d) Warrants direct referral to an external organisation, including but not limited to the research organisations(s) under whose auspices the research in question took place; research funders; statutory regulators; or professional bodies.
- e) Is unfounded, because it is mistaken or frivolous or is otherwise without substance (e.g. a difference of opinion on methodology), and will be dismissed.
- f) Is unfounded, because it is vexatious and/or malicious, and will be dismissed.

Timescale

4. The Investigator will normally aim to complete this stage within 30 working days from the date the Initiator and Respondent are informed that an Initial Investigation will take place, or the date the Investigator (or Investigation Panel) is appointed, whichever is the latest, provided this does not compromise the [Principles](#) or the [Standards](#) of this Procedure and the full and fair investigation of the allegation. Any delays will be explained to the Initiator(s), the Respondent(s) and the Named Person in writing, presenting an estimated revised timescale.

Process

5. The Initial Investigation stage will commence following instruction from the Named Person after the Receipt of Allegations stage.
6. The Named Person will appoint an Investigator, or where applicable an Investigation Panel to undertake the Initial Investigation into the allegation(s). The Investigator will normally be an experienced member of OU academic staff within or from outside the department concerned, depending on the circumstances and at the discretion of the Named Person.
7. The Investigator, any Initial Investigation Panel members if applicable, and any person allowed to observe the Initial Investigation, whether in an administrative role or otherwise, will confirm to the Named Person in writing that:

- a) Their participation involves no conflict of interest, seeking advice from the Named Person if unsure.
 - b) They will abide by the Procedure.
 - c) They will respect the confidentiality of the proceedings.
 - d) They will adhere to the [Principles](#) and [Standards](#) of the Procedure.
8. The Initiator(s) and the Respondent(s) may raise with the Named Person concerns that they may have about the person(s) chosen to carry out the Initial Investigation but neither has a right of veto over those nominated. The Named Person will consider any concerns raised and whether new person(s) should be selected to carry out the Initial Investigation stage.
 9. Should the Investigator become unable to lead the Initial Investigation stage once it is underway, the Named Person will determine whether a new Investigator should be selected to continue the investigation from its current point, or if the Initial Investigation stage should be restarted.
 10. The Named Person will provide the Investigator with all relevant information including any correspondence and information already provided in support of the allegations(s). The Investigator will keep a full record of the evidence received and of the Initial Investigation proceedings, supported by the nominated administrator.
 11. The Investigator will contact the Initiator(s) and the Respondent(s) to gather information in support of the investigation, by interview, or by seeking written comments. The Initiator(s) will be given the opportunity to

provide input into the investigation. The Respondent(s) will be given the opportunity to respond to the allegation(s) made against them.

12. The Investigator will assess the information obtained from the Initiator(s) and the Respondent(s), determine whether they require any additional information to draw a conclusion, and if so, seek out the information they require.
13. The Investigator may contact relevant witnesses. These may be suggested by the Initiator(s) or the Respondent(s), or may be deemed to be a relevant witness by the Investigator having considered the evidence provided by the Initiator(s) and the Respondent(s).
14. The Investigator will:
 - a) Undertake a confidential review and assessment of the evidence provided.
 - b) Consider whether the allegation is made in good faith.
 - c) Reach a conclusion on the allegations in line with the potential outcomes set out in [paragraph 3](#).
15. Where the allegation relates to a large body of work, or work carried out over a significant period of time, the Investigator will need to carry out sufficient investigation to reach a robust conclusion. The Investigator will seek advice from the Named Person about the time and resource required to undertake the investigation.

Conclusion of this Stage and Next Steps

16. The Investigator shall write a report of the outcome as set out in [Outcomes](#) above, addressing each allegation when multiple allegations are under investigation.
17. The standard of proof used by the Initial Investigation is that of 'on the balance of probabilities'. This means that the activity was more likely than not to have occurred.
18. A summary of the findings will be sent to the Initiator(s) and the Respondent(s) for comment on matters of factual accuracy. The Investigator will consider the responses received, and will modify the report as necessary if they consider the report includes errors of fact.
19. The Investigator will then submit their final report and full, accurate records/material relating to the investigation to the Named Person, setting out the conclusions of the Initial Investigation on the allegation(s) under investigation and any other matters they may wish to raise, e.g. points for organisational learning.
20. The Named Person shall convey the substance of the Investigator's findings to the Initiator(s), the Respondent(s) and such other persons or bodies as they deem appropriate.
21. If it is concluded that the allegation(s) is sufficiently serious and has sufficient substance to warrant a Full Investigation, then the investigation moves to the [Full Investigation stage](#).

22. For all other outcomes, the investigation moves to the [Outcomes and Reporting stage](#).
23. The work of the Investigator is then concluded and they play no further role in the Procedure or any subsequent disciplinary procedure, beyond clarifying any points in their report upon request. A former Investigator should not make any comment on the matter in question, unless the University formally permits it, or otherwise required by law. The Investigator is bound by the [principle of confidentiality](#).
24. The Investigator should refer any requests for comment on the Investigation that they receive to the Named Person.
25. The Initial Investigation stage now ends.

Section D: Full Investigation Stage

Purpose

1. The purpose of this stage is to review all the relevant evidence and:
 - a) Conclude whether an allegation of research misconduct is upheld in full, upheld in part or not upheld.
 - b) Make recommendations for consideration by the Named Person and, if applicable, any other relevant University authority, regarding any further action the Full Investigation Panel deems necessary to address any research misconduct; correct the research record; address any other matters uncovered during its investigation.

Responsible

2. The Named Person will establish a Full Investigation Panel (Panel) and appoint a Full Investigation Panel Chair (Panel Chair). The Named Person will identify suitable administrative and other support to assist the Panel. The Panel Chair shall be free to seek confidential advice from individuals with relevant expertise internal and external to the University.

Outcomes

3. After the Full Investigation Stage the Panel will reach a conclusion on the allegation(s) under investigation and may also make recommendations on subsequent actions to be taken by the University and/or other bodies.
4. After the Full Investigation, the Panel will conclude whether the allegation of research misconduct:
 - a) Is Upheld in full.
 - b) Is Upheld in part.
 - c) Has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or another non-disciplinary approach, such as mediation, rather than through the next stage of the Procedure or other formal processes.
 - d) Warrants direct referral to another formal University process including but not limited to the [Postgraduate Research Student Plagiarism and Research Misconduct Policy](#), [Bullying and Harassment Policy](#) and [procedures \(internal link only\)](#), the [Dignity and Respect Policy](#), the [Anti-Fraud, Bribery and Corruption Policy](#).
 - e) Warrants referral directly to an external organisation, including but not limited to the current employer, statutory regulators, funding bodies or professional bodies.
 - f) Is unfounded because it is mistaken or frivolous or otherwise without substance and will be dismissed.

- g) Is unfounded, because it is vexatious and/or malicious and will be dismissed.
5. The Panel may also make recommendations for consideration by the Named Person or, if applicable, any other relevant University authority, regarding any further action(s) which the University or other bodies should undertake to address any research misconduct, if found, correct the research record, and/or address other matters uncovered. Such recommendations might include but are not limited to:
- a) Whether the matter should be referred to the [Disciplinary procedure \(internal link only\)](#) or [Code of Practice for Student Discipline](#).
 - b) Whether the matter should be referred to another University process, including but not limited to the [Postgraduate Research Student Plagiarism and Research Misconduct Policy](#), [Bullying and Harassment Policy and procedures \(internal link only\)](#), the [Dignity and Respect Policy](#), the [Anti-Fraud, Bribery and Corruption Policy](#).
 - c) Which external organisations should be informed of the investigation's findings, with appropriate confidentiality, including statutory regulators, funding bodies, partner organisations and professional bodies.
 - d) Whether any action will be required to correct the research record, including informing the publishers and editors of journals that have published articles that include research where an allegation of research misconduct has been upheld, or to correct honest errors.

- e) Whether the University should address procedural or organisational matters relating to research management.
- f) Informing research participants and/or their gatekeepers.
- g) Other matters that should be investigated, including research misconduct allegations which are unrelated to the allegation in question or alleged to have been committed by persons other than the Respondent(s) and/or other forms of alleged misconduct.

Timescale

- 6. The Panel will normally reach its conclusions within three months of being established, provided this does not compromise the [Principles](#) (Annex 2) or the [Standards](#) (Annex 3) of this Procedure and the full and fair investigation of the allegation(s). Any delays will be explained to the Initiator(s), the Respondent(s) and the Named Person in writing, presenting an estimated revised timescale.

Process

- 7. The Full Investigation stage will commence following instruction from the Named Person, normally after the Initial Investigation stage.
- 8. The Named Person shall appoint a Full Investigation Panel to undertake a Full Investigation into the allegation(s).
 - a) The Panel will normally consist of three persons, or more, at the discretion of the Named Person, to ensure sufficient expertise or diverse perspectives.

- b) One member will be external to the University, or more, at the discretion of the Named Person. This can be advantageous if allegations are multi-disciplinary or otherwise complex.
 - c) At least two members will be academic specialists in the general area of the alleged research misconduct. Where allegations concern highly specialised areas of research, at least one member should have specialised knowledge of the field.
 - d) For allegations that involve University research conducted by visiting staff it may be helpful to include a representative from the other employing organisation, who for these purposes will be an internal member.
9. The Named Person will select one member, either internal or external, to act as Chair. If, following launch, the appointed Chair becomes unable to participate in the Full Investigation, the Named Person will select a new Chair from the Panel membership, and consider overall Panel membership and may appoint an additional Panel member.
10. If, following launch, any Panel member becomes unable to participate in the Full Investigation, the Named Person will consider overall Panel and may appoint an additional Panel member.
11. All Full Investigation Panel members, and any person allowed to observe it, whether in an administrative role or otherwise, will confirm to the Named Person in writing that:

- a) Their participation involves no conflict of interest, seeking advice from the Named Person if unsure.
 - b) They will abide by the Procedure.
 - c) They will respect the confidentiality of the proceedings.
 - d) They will adhere to the [Principles](#) (Annex 2) and [Standards](#) (Annex 3) of the Procedure.
12. The Initiator(s) and the Respondent(s) may raise with the Named Person concerns that they may have about the person(s) chosen to carry out the Initial Investigation but neither has a right of veto over those nominated. The Named Person will consider any concerns raised and whether new person(s) should be selected to carry out the Full Investigation stage.
13. The Chair will keep a full record of the evidence received and of the Full Investigation proceedings, supported by the nominated administrator.
14. The Named Person will provide the Chair and each Panel member with:
- a) A copy of this Procedure.
 - b) Details of the allegation(s) which will be considered under the Full Investigation stage.
 - c) A copy of the Named Person's note of the Receipt of Allegations stage.
 - d) A copy of the report of the Initial Investigation stage.
 - e) Other records from the Initial Investigation stage as deemed relevant by the Named Person.
 - f) Names and contact details of the Initiator(s) and the Respondent(s).

- g) A summary of the correspondence with the Initiator(s) and the Respondent(s) to date.
 - h) A summary of any evidence secured by the Named Person during the Receipt of Allegations stage or by the Investigator during the Initial Investigation stage.
15. The Named Person will inform the Initiator(s) and the Respondent(s), formally and in writing, that the Procedure has moved to the Full Investigation stage and that they will be interviewed as part of the process in accordance with the [Principles](#) set out in Annex 2, and allowed to provide evidence.
16. Respondent(s) will normally be informed of the name of Initiator(s) who have made allegations of research misconduct, at the discretion of the Named Person. In exceptional circumstances the identity of the Initiator(s) may remain confidential, following advice from People Services, Academic Services, Commercial and/or Legal Services as appropriate, taking into account the Respondent(s) ability to respond to anonymous allegations. No decision should be taken that compromises the [Principles](#) (Annex 2) and [Standards](#) (Annex 3) which are designed to support a thorough and fair investigation of the allegation(s).
17. The Initiator(s) will be informed that their identity is being disclosed to the Respondent(s) at this point, unless it has been disclosed earlier in the proceedings, or unless it has been determined that it should remain confidential.

18. The Panel Chair will be responsible for the conduct of the proceedings during the Full Investigation. The Panel shall decide its way of working based on the provisions of the Full Investigation stage and the information it has received from the Named Person as to what further information it needs and whom it wishes to interview or take statements from, in addition to the Initiator(s) and the Respondent(s) who must be interviewed.
19. When making any decisions about the conduct or conclusion of the Full Investigation, the Panel will seek a consensus.
20. The Panel shall assess the evidence provided and determine any additional information it requires. The work of the Panel will include:
 - a) Determination of whether the allegation is made in good faith.
 - b) A confidential review and assessment of the evidence provided.
 - c) Reaching a conclusion on the allegation(s) in line with the Full Investigation's possible outcomes ([paragraph 4](#)).
 - d) It may choose to make recommendations on further actions which might be necessary to address the Panel's discoveries during the Full Investigation ([paragraph 5](#)).
21. The Panel must interview the Initiator(s) and the Respondent(s). Where there are multiple Initiators and/or Respondents, each must be interviewed separately, in accordance with the [Principles](#) (Annex 2)
22. When interviewed, the Respondent(s) will be allowed to respond to the allegations made against them, set out their case and submit their evidence for consideration, before interview.

23. When interviewed, Initiator(s) and Respondent(s) can also suggest witnesses for the Panel to interview. The Panel may choose whether or not to invite the suggested witnesses to interview, or to invite written statements.
24. Initiator(s) and Respondent(s) are expected to cooperate fully with the interview requirement. Should this not be feasible, they will be required to provide written responses to questions posed by the Panel.
25. The Panel will also interview witnesses it deems relevant, or invite written statements.
26. Where the Initiator(s) has raised an allegation about a large body of work, or work carried out over a long period, this can take time and resources to carry out a sufficient investigation to reach a robust conclusion on the allegation(s). The Named Person will advise on resources and approach.

Conclusion of this Stage and Next Steps

27. The Panel will reach a conclusion on the allegation(s) under investigation.
28. The Panel shall write a report setting out its conclusions (where relevant, for each allegation), giving the reasons for its decision and recording any differing views. The standard of proof used by the Full Investigation is 'on the balance of probabilities'. This means that the activity was more likely than not to have occurred. Refer to the [Outcomes](#) section above.
29. In its report, the Panel may also make recommendations for consideration by the Named Person or, if applicable, any other relevant University

authority, regarding any further action(s) which the University or other bodies should undertake to address any research misconduct, if found, correct the research record, and/or address other matters uncovered.

30. The Full Investigation outcome will be sent to the Initiator(s) and the Respondent(s) for comment on matters of factual accuracy only. The Panel will consider the responses received and if they consider the report includes errors of fact, will modify the report as necessary.
31. The Panel will submit its final report to the Named Person, setting out the conclusions of the Full Investigation stage about the allegation(s) of research misconduct, its recommendations regarding further actions to be taken and any other matters it wishes to draw to the University's attention. The Chair will also hand over to the Named Person all records / material relating to the Full Investigation.
32. The Named Person shall convey the substance of the Panel's findings and recommendations to the Initiator(s), the Respondent(s) and such other persons or bodies they deem appropriate.
33. Once the report is submitted to the Named Person the Panel's work is concluded and it will be disbanded. The Chair and Full Investigation Panel members should not make any comment on the matter in question, unless the University formally permits it, or otherwise required by law. The Chair and other Panel members are bound by the [principle of confidentiality](#).
34. The Chair and Full Investigation Panel members should have no further involvement in the Procedure unless formally asked to clarify a point in the

written report at a subsequent stage of the Procedure or as part of any subsequent action or process. A role as Chair or Panel member precludes participation in any subsequent disciplinary or other process.

35. The Full Investigation stage now ends and the Procedure moves to the relevant section of the Outcomes and Reporting stage.

Section E: Outcomes and Reporting Stage

Purpose

1. The purpose of this stage is to determine the necessary actions to be taken at the conclusion of the procedure, and to ensure that they are carried out.

Responsible

2. The Named Person is responsible for determining the precise actions described under this stage, and ensuring that actions are carried out. Some actions may require the involvement of other University departments and/or external organisations.

Outcomes

3. The Outcomes and Reporting stage encompasses many possible situations entailing a wide range of possible actions. In general terms, these actions may include:
 - a) Actions relating to the operation and conclusion of this Procedure (subject to any appeal), including the transfer of information, as appropriate, to [Informal Measures](#) (Annex 4), other University processes, relevant processes of external organisations.
 - b) Reporting the outcomes to relevant OU colleagues/departments/authorities.

- c) Reporting the outcomes to external organisations, as appropriate.
- d) Exercising duty of care to involved parties.
- e) Correcting the research record.
- f) Addressing procedural or organisational matters uncovered during the investigation.

Timescale

- 4. The Named Person should normally aim to ensure actions are completed within three months of completion of the investigation, unless there is an appeal. Where actions take longer due to their nature, or where there are delays directly impacting individuals, these will be explained to Initiator(s), Respondent(s) and other involved parties in writing, presenting an estimated revised date of completion.

Process

- 5. 'Required Actions' must be undertaken in all cases. 'Actions required following [OUTCOME]' refer to actions that should be undertaken in response to a particular outcome of an investigation. These are set out below.

Required Actions

- 6. Taking into consideration the recommendations arising from the relevant stage of the Procedure, the Named Person working with the Research Integrity Officer, and others where applicable, should take any actions(s) they deem necessary to address any research misconduct, correct the

research record, address other matters uncovered during the investigation. Such actions might include, but are not limited to:

- a) Determining whether the matter should be referred to the University's [Disciplinary procedure \(internal link only\)](#) or [Code of Practice for Student Discipline](#). If this follows the Initial Investigation or the Full Investigation Stage, the Investigation Report and other relevant information brought to light through the operation of this Procedure will form the basis of the evidence provided to the disciplinary process.
- b) Determining whether the matter should be referred to another University process, including but not limited to [Postgraduate Research Student Plagiarism and Research Misconduct Policy](#), the [Research Degree \(Examination\) Regulations](#), [Bullying and Harassment Policy and procedures \(internal link only\)](#), the [Dignity and Respect Policy](#), the [Anti-Fraud, Bribery and Corruption Policy](#).
- c) Determining the relevant University colleagues/departments/ authorities to inform of the findings of the investigation, and inform them of the required actions, including but not limited to, line manager, research degree supervisor(s), Head of School, Associate Dean Research, People Services, Graduate School, Academic Services, the University Secretary.
- d) Determining the relevant external organisations to inform of the findings of the investigation, and inform them, including but not limited to relevant employers, statutory regulators, funding bodies, partner organisations, professional bodies or other public bodies with a relevant interest.

- e) Determining whether to inform research participants, their gatekeepers and other involved parties, and inform them where appropriate.
- f) Exercising duty of care to Initiators, Respondents, and other involved parties, including but not limited to research participants, witnesses, those involved in the investigation process and those operating the procedure.
- g) Determining whether and, if so, the actions required to correct the research record, including but not limited to informing editors of any journals that have published articles concerning research linked to an upheld allegation of research misconduct and/or by a person against whom an allegation of misconduct in research has been upheld.
- h) Determining whether procedural or organisational matters should be addressed by the University or other organisations through a review of research management and/or training and/supervisors procedures, or other measures as appropriate.
- i) Determining whether other matters should be investigated, including allegations of research misconduct which are unrelated to the allegation in question, or are alleged to have been committed by persons other than the Respondent, or constitute other forms of misconduct.
- j) Ensuring that communications on the outcome of the investigation and the reasons for it explain the salient points of the process and the outcome clearly to promote good understanding.

- k) Communicating anonymised summary data on uses of this Procedure within a specific period, including in the published Annual Research Integrity Statement, and reports to Research Committee, Senate, Council, the University's Chief Auditor, and audits by research funders as required. Disseminate anonymised learning points within the University as appropriate.

Actions required following the conclusion that the allegation(s) is unfounded because it is mistaken or is frivolous or is otherwise without substance

7. The Named Person will:

- a) Take appropriate steps to preserve the good reputation of the Respondent(s). If the case has received any adverse publicity the Respondent(s) may be offered the opportunity to have an official statement released by the University.
- b) Take appropriate steps to preserve the good reputation of the Initiator(s). Those who have raised concerns/made allegations in good faith will not be penalised.

Actions required following the conclusion that the allegation(s) is unfounded because it is vexatious and/or malicious

8. The Named Person will:

- a) Take appropriate steps to preserve the good reputation of the Respondent(s). If the case has received any adverse publicity the

Respondent(s) may be offered the opportunity to have an official statement released by the University.

- b) Take appropriate action where there is clear evidence that an allegation was vexatious and/or malicious. This may include referral to the University's [Disciplinary procedure \(internal link only\)](#) or [Code of Practice for Student Discipline](#) where the individual concerned is a member of staff or student of the University.

Actions required following the conclusion that the allegation(s) warrants direct referral to another formal University process

9. The Named Person will:

- a) Inform the Initiator(s) in writing, giving:
 - (i) Reasons why the allegation will not be investigated using this Procedure.
 - (ii) Which process is appropriate for handling the allegation.
 - (iii) An undertaking that the allegation will be referred to the relevant process/department.
- b) Refer the matter to the relevant process/department.

Actions required following the conclusion that the allegation(s) warrants direct referral to an external organisation

10. When the Named Person has determined that the allegation does not relate to OU researchers, or research being undertaken in the name of The

Open University, the allegation warrants direct referral to an external organisation, the Named Person will inform the Initiator in writing, giving:

- (i) Reasons why the University is not the appropriate body to investigate the allegation.
- (ii) Name(s) of external organisation(s) which might be appropriate to investigate the allegation.
- (iii) Contact details and other relevant information about the external organisation(s) to whom the allegation could be referred.

11. When the Named Person has determined that, while the allegation does relate to OU researchers or research being undertaken in the name of The Open University, the allegation warrants direct referral to an external organisation, the Named Person will:

- a) Contact the relevant external organisation(s), in writing, to inform it of the allegation and ask it to investigate or otherwise address it. The correspondence should explain why the University has concluded that the allegation warrants direct referral to the external organisation concerned.
- b) Inform the Initiator(s), in writing that the allegation is being referred directly to the external organisation(s) concerned and provide them with relevant information so they can contact the external organisation(s) if they wish.

Actions required following the conclusion that the allegation(s) has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approaches

12. Taking into account the measures outlined in [Resolution using Informal Measures](#) (Annex 4), the Named Person will ensure that relevant education and training are provided, or other informal measures undertaken.

Actions required following the conclusion that the allegation(s) is upheld in full or in part

13. The Named Person will:
- a) Take appropriate steps to support the reputation of the Initiator(s), and if the allegation has been upheld in part rather than in full, that of the Respondent(s) as appropriate, and any relevant research project(s).
 - b) Consider whether further action beyond that outlined in the 'Required Actions' section is to be taken, including but not limited to:
 - (i) Withdrawing/requiring repayment of funding.
 - (ii) Adding a note of the investigation outcome to a researcher's file for any future reference requests.
 - (iii) Recommending, for consideration by the Central Disciplinary Committee, revocation of any degree that is the subject of a research misconduct finding.

- c) Where an investigation has established research misconduct relating to a significant body of work over some time, consider whether other work carried out by the Respondent(s), requires investigation, including work not specifically investigated in the course of the Procedure.

Conclusion of this Stage and Next Steps

- 14. The Initiator(s) and the Respondent(s) will be informed in writing of:
 - a) The outcomes from the investigations and actions arising from this stage of the Procedure, any relevant actions from earlier stages, where applicable, and where relevant, the contact points for any follow-up communications relating to those actions.
 - b) The options for appeal open to them.
 - c) The fact that unless an appeal is raised, where applicable, the investigation and the use of this Procedure has now concluded.
- 15. The Outcomes and Reporting stage of the Procedure is concluded.
- 16. The Named Person and the Research Integrity Office will continue to manage follow up actions, or receive reports on them as appropriate until the follow-up actions are concluded.
- 17. A role as the Named Person or Research Integrity Officer rules out participation in any subsequent disciplinary or appeal process.
- 18. The Procedure may move to the Appeal Stage should this be invoked, otherwise the Procedure ends with the conclusion of the follow-up actions.

Section F: Appeal Stage

Purpose

1. The purpose of this stage is to permit an Initiator and/or a Respondent to appeal (in defined circumstances only, [see paragraph 7](#)) against the outcome of an investigation carried out under this Procedure.

Responsible

2. To avoid a conflict of interest, at the time an appeal is received, the Deputy Vice-Chancellor will appoint an academic member of Vice-Chancellor's Executive-Academic other than the Pro-Vice-Chancellor Research and Innovation to manage the Appeal stage (an 'Alternative Named Person'). The Alternative Named Person will establish an Appeal Panel and appoint an Appeal Panel Chair (Panel Chair). The Alternative Named Person will identify suitable administrative support to assist the Panel.

Outcomes

3. The Appeal Panel has the power to uphold, reject and/or modify defined outcomes of an Investigation, including the decisions and/or recommendations associated with it, namely:
 - a) A conclusion of an Initial Investigation or a Full Investigation that an allegation is unfounded, because it is mistaken or is frivolous or is otherwise without substance, and will be dismissed.

- b) A conclusion of an Initial Investigation or a Full Investigation that an allegation is unfounded because it is vexatious and/or malicious, and will be dismissed.
- c) A conclusion of an Initial Investigation or a Full Investigation that an allegation has some substance but due to its relatively minor nature or because it relates to poor practice rather than to misconduct, will be addressed through education and training or other non-disciplinary approaches, such as mediation, rather than through the next stage of the Procedure or other formal processes.
- d) A conclusion of a Full Investigation that an allegation is upheld in full.
- e) A conclusion of a Full Investigation that an allegation is upheld in part.

Timescale

- 4. An Appeal must be lodged within 10 working days of the date the outcome of the Investigation is notified. Any appeal will normally be heard within two months of the receipt of notice of the appeal. Any delays will be explained to the Initiator(s), the Respondent(s), and other involved parties in writing, presenting an estimated revised date of completion.

Process

- 5. An Initiator or a Respondent may appeal against an outcome of the Procedure.
- 6. An Initiator or a Respondent may make an appeal in writing to the Research Integrity Officer within 10 working days from the date the outcome of the Investigation is notified. The written notice of appeal shall set out the

grounds of the appeal and be accompanied by supporting documentation where possible.

7. An Appeal may be permitted on one or more of the following **grounds**:
 - a) Procedural irregularity in the conduct of the investigation prior to the Appeal stage that could have had a material impact on the outcome.
 - b) Fresh evidence becoming available which was not available to the Initial Investigation or the Full Investigation.
 - c) There was evidence of bias or unfairness in the process or decisions taken by the Named Person, the Initial Investigation Investigator/Panel, or the Full Investigation Panel.
8. The Research Integrity Officer will refer the appeal to the Alternative Named Person.
9. The Alternative Named Person will assess the appeal to determine whether it falls within one or more of the permitted grounds for appeal seeking clarification from the person(s) submitting the appeal as necessary.
 - a) If the appeal does not fall within one or more of the permitted grounds for appeal set out above, then the appeal is dismissed and the Alternative Named Person will communicate this decision to the person who submitted the appeal. The Appeal stage now ends.
 - b) If the appeal falls within one or more grounds for appeal, the Alternative Named Person shall appoint an Appeal Panel to undertake the appeal process.

10. The Appeal Panel will normally consist of three persons, or more, at the discretion of the Alternative Named Person, the Appeal Panel may consist of a greater number of persons, for example, to ensure sufficient expertise or diverse perspectives
 - a) No individual involved in the Appeal Panel will have been involved at any stage previously as an Investigator, or as a member of an Investigation Panel, or as the Named Person.
 - b) One member will be external to the University, or more, at the discretion of the Alternative Named Person. This can be advantageous if allegations are multi-disciplinary or otherwise complex.
 - c) One member will be an academic specialist in the general area of the alleged research misconduct. Where allegations concern a highly specialised area of research, they should have specialised knowledge of the field).
 - d) For allegations that involve University research conducted by visiting staff it may be helpful to include a representative from the other employing organisation, who for these purposes will be an internal member.
 - e) Once convened, the Panel membership should not normally be changed. If a member is no longer able to continue, the Alternative Named Person will determine whether to recruit additional member(s) and determine whether to continue the appeal investigation from its current point or to restart it.

- f) All participants including the Chair, Panel members, administrators, Initiator and Respondent(s) are bound by the [principle of confidentiality](#).
11. The Alternative Named Person will select one member, either internal or external, to act as Chair. If, following launch, the appointed Chair becomes unable to participate in the Full Investigation, the Alternative Named Person will select a new Chair from the Panel membership, and consider overall Panel membership and may appoint an additional Panel member.
 12. All persons appointed to carry out the Appeal stage, and any person allowed to observe it, whether in an administrative role or otherwise, will confirm to the Alternative Named Person that:
 - a) Their participation involves no conflict of interest, seeking advice from the Alternative Named Person if unsure.
 - b) They will abide by the Procedure as it affects the work of the Appeal stage.
 - c) They will respect the confidentiality of the proceedings.
 - d) They will adhere to the [Principles](#) (Annex 2) and [Standards](#) (Annex 3) of the Procedure.
 13. The Initiator(s) and the Respondent(s) may raise with the Alternative Named Person concerns that they may have about the person(s) chosen to carry out the Appeal but neither has a right of veto over those nominated. The Alternative Named Person will consider any concerns

raised and whether new person(s) should be selected to carry out the Appeal.

14. The Chair will keep a full record of the work of the Appeal Panel, supported by the nominated administrator.
15. The Alternative Named Person will provide the Chair and each Panel member with:
 - a) A copy of this Procedure.
 - b) A copy of the Named Person's note of the Receipt of Allegations stage.
 - c) A copy of the report of the Initial Investigation stage.
 - d) A copy of the report of the Full Investigation stage.
 - e) Other records from the Initial Investigation stage and Full Investigation as deemed relevant by the Alternative Named Person.
 - f) A summary of the correspondence with the Initiator and the Respondent(s) to date.
 - g) A full list of the evidence secured during the Receipt of Allegations stage, the Initial Investigation Stage and the Full Investigation Stage.
16. When making any decisions about the conduct or conclusion of the Appeal Stage, the Panel will seek a consensus.
17. The Appeal Panel will review the conduct of the investigation and any evidence submitted in support of the appeal(s). The Panel will not carry out a re-investigation of the allegation(s).

Conclusion of this Stage and Next Steps

18. The Appeal Panel will decide whether it upholds, rejects or modifies the outcome of the Investigation, including the decisions and/or recommendations associated with it. The decision of the Appeal Panel is final.
19. The Appeal Panel will write a report setting out its conclusion, giving the reasons for its decision and recording any differing views.
20. A summary of the conclusion will be sent to the Initiator and the Respondent(s) for comment on matters of factual accuracy only. The Appeal Panel will consider the responses received and if they consider the report includes errors of fact, will modify the report as necessary.
21. The Appeal Panel will submit the final report to the Alternative Named Person. The Chair and members of the Appeal Panel will also hand over to the Alternative Named Person all records/material relating to the Appeal and any investigations undertaken under the Procedure.
22. The Alternative Named Person shall convey the substance of the Appeal Panel's findings and recommendations to the Initiator(s), the Respondent(s) and such other persons or bodies as they deem appropriate.
23. Where the outcome of an investigation has been modified or reversed by the Appeal Panel, the Alternative Named Person will determine and undertake the actions necessary to implement the conclusions of the Appeal Panel, following relevant provisions of the Outcomes and Reporting

stage and liaising with the Research Integrity Office and others within or external to the University as appropriate. Where the outcome of an investigation has been upheld by the Appeal Panel, the Named Person will undertake the originally determined actions, following relevant provisions in the Outcomes and Reporting stage.

24. The work of the Appeal Panel is concluded and it will be disbanded. The Chair and Appeal Panel members should not make any comment on the matter in question, unless the University formally permits it, or otherwise required by law. The Chair and other Panel members remain bound by the [principle of confidentiality](#).
25. The Chair and Appeal Panel members should have no further involvement in the Procedure unless formally asked to clarify a point in the written report at a subsequent stage of the Procedure or as part of any subsequent action or process. A role as Chair or Panel member precludes participation in any subsequent disciplinary or other process.
26. The Appeal stage now ends.
27. There is no right of appeal against the decision of the Appeal Panel.

Annex 1: Definitions

1. **Accepted Procedures (for research):** Accepted procedures include but are not limited to the following:
 - a) Gaining informed consent where required.
 - b) Gaining formal approval from relevant organisations where required.
 - c) Any protocols for research contained in any formal approval that has been given for the research, including submitting research for ethical review when required or appropriate, and abiding by the terms of all ethical approvals for research.
 - d) Any protocols for research as defined in contracts or agreements with funding bodies and sponsors.
 - e) Any protocols for research set out by and/or approved by a regulatory authority such as the Medicines and Healthcare Products Regulatory Authority (MHRA) for a trial of medicinal products.
 - f) Any protocols for research set out in the OU's [Research Code of Practice](#) and [associated research policies](#) and guidelines, and those of any relevant partner organisations.
 - g) Any protocols for research set out in the guidelines of appropriate recognised professional, academic, scientific, governmental, national and international bodies.
 - h) Any procedures that are aimed at avoiding unreasonable risk or harm to humans, animals or the environment.
 - i) Good practice for the proper preservation and management of data, artefacts and materials.

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- j) Any existing guidance on good practice in research.
2. Accepted procedures do not include:
 - a) Un-consented to / unapproved variations of the above.
 - b) Any procedures that would encourage, or would lead to breaches in the law.
 3. **Full Investigation:** The Full Investigation is that part of the Procedure which may take place after the Initial Investigation, the purpose of which is to:
 - a) Conclude whether an allegation of research misconduct is upheld in full, upheld in part or not upheld; and
 - b) Make recommendations, for consideration by the Named Person and other relevant university authorities, where applicable, regarding any further action the Full Investigation Panel deems necessary to address any misconduct it may have found; correct the record of research, and/or address other matters uncovered during the course of its work.
 4. **Initial Investigation:** The Initial Investigation is that part of the Procedure the purpose of which is to determine whether there is sufficient evidence of research misconduct to warrant a Full Investigation of the allegation or whether alternative action(s) should be taken.
 5. **Initiator:** The Initiator is a person making allegations of research misconduct against one or more Respondents.
 6. **Named Person:** The [Concordat to Support Research Integrity](#) requires organisations to identify a named senior member of staff to oversee

research integrity. The OU's Named Person is the Pro-Vice-Chancellor, Research and Innovation. The Named Person is responsible for receiving any allegations of research misconduct, initiating and supervising the Procedure for the Investigation of Research Misconduct Allegations, ensuring a record of information is maintained during the investigation, subsequently reporting on the investigation to internal contacts and external organisations, and taking decisions at key stages of the Procedure.

7. The Pro-Vice-Chancellor's alternate as Named Person will normally be the Deputy Chair of Research Committee, who will carry out the role in their absence or in the case of any potential or actual conflict of interest. When this is not possible, due to absence, or potential, or actual conflict of interest, the alternate will be one of the Executive Deans, appointed by the Deputy Vice-Chancellor.
8. **Poor Research Practice:** the conduct of research that departs from Accepted Procedures (for research), but the cause is not considered either intentional or reckless behaviour.
9. **Professional Body:** A professional body is an organisation, with statutory powers to regulate and oversee a particular profession, such as doctors or solicitors.
10. **Regulatory Authority:** A regulatory authority is an organisation with statutory powers to regulate and oversee an area of activity, such as health and safety, or medicines to be used on humans.

11. **Research:** In the UK Higher Education sector 'research' is defined by the conventions set out in the [Frascati Manual](#). Research and experimental development comprise creative and systematic work undertaken in order to increase the stock of knowledge – including knowledge of humankind, culture and society – and to devise new applications of available knowledge.
12. Research and experimental development must satisfy five core criteria. It should be novel, creative, uncertain (about the final outcome), systematic, with transferable or reproducible results.
13. Research and experimental development covers three types of activity:
 - a) Basic research: experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts, without any particular application or use in view.
 - b) Applied research: original investigation undertaken in order to acquire new knowledge. It is directed primarily towards a specific, practical aim or objective.
 - c) Experimental development: is systematic work, drawing on knowledge gained from research and practical experience and producing additional knowledge, which is directed to producing new products or processes or to improving existing products or processes.
14. Research and experimental development **excludes** routine testing and routine analysis of materials, components and processes, such as for the

maintenance of national standards, as distinct from the development of new analytical techniques. It also excludes the development of teaching materials that do not embody original research.

15. Research and experimental development **includes** research that is published, disseminated or made publicly available in the form of assessable research outputs and confidential reports.
16. **Research Integrity Officer:** Staff member(s) who are responsible for supporting research integrity and research misconduct investigations. At The Open University this role is within the Senior Manager Research Governance's responsibilities.
17. **Research Misconduct:** Research misconduct is characterised as behaviours or actions that fall short of the standards required to ensure that the integrity of research at The Open University is upheld. It can cause harm and undermines the research record.
18. Actions carried out with intention to commit research misconduct, or reckless departures from **Accepted procedures** in the conduct of any aspect of a research project constitute research misconduct. Research misconduct includes acts of omission as well as acts of commission. Honest errors and differences in, for example, research methodology or interpretations do not constitute research misconduct.
19. It is any breach of the [OU Research Code of Practice](#), including, but not limited to:

a) **Fabrication**

The creation of false data, imagery, or other research outputs (e.g. artefacts), or other aspects of research (e.g. documentation, participant consent) and presenting or recording them as if they were real.

b) **Falsification**

Inappropriate manipulation or selection of data, imagery, research outputs, research processes, materials, equipment, documentation, or participant consent.

c) **Misrepresentation of research results**

Omission of relevant results or data, including negative or null results, or knowingly, recklessly or by gross negligence presenting a flawed interpretation of the data.

d) **Non-compliance with ethical, legal, regulatory and professional obligations, e.g:**

- (i) Terms and conditions governing the award of external funding for research.
- (ii) The OU's policies and procedures relating to research, including but not limited to risk assessment, ethics review, health and safety, accounting requirements, data management, terrorism and extremism-related research, open access, equity and export control.
- (iii) The policies and procedures relating to research of a collaborating organisation.

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- (iv) The local, legal, regulatory, ethical and professional requirements relating to the research project if the research is being conducted in a country other than the UK.
- (v) Legal, regulatory, ethical and professional requirement for the protection of human research participants, human data, human organs or tissue used in research, e.g.:
- Breach of duty of care for humans involved in research, whether deliberately, recklessly or by gross negligence, including failure to obtain appropriate informed consent.
 - Misuse of personal data, including inappropriate disclosures of the identity of research participants and other breaches of confidentiality.
- (vi) Legal, regulatory or ethical requirements for the protection of animal subjects (e.g. welfare requirements).
- (vii) Legal, regulatory or ethical requirements for the protection of the environment.
- (viii) Any other legal, regulatory or ethical requirements for the conduct of research.
- (ix) Standards of conduct for peer review of research proposals, results or manuscripts submitted for publication, or examination of a thesis submitted for a research degree examination, e.g.:
- Failure to disclose conflicts of interest.
 - Inadequate disclosure of limited competence to review, or to examine.

- Misappropriation of content.
- Breach of confidentiality or abuse of material provided in confidence for the purposes of peer review, or examination.

e) **Failure to declare interests**

Failure to declare competing interests of researchers or funders of a study.

f) **Plagiarism**

Use of other people's ideas, intellectual property, work (written or otherwise) from published or unpublished source material, including but not limited to text, data, imagery, created artistic artefacts, and passing it off as one's own, without the correct acknowledgment or permission. For a detailed definition of, and examples of plagiarism with the context of a research degree, refer to the [Plagiarism and Research Misconduct Policy \(Postgraduate Research Students\)](#).

g) **Misrepresentation of authorship or contribution**

Inappropriate claims to authorship or attribution of work. Denial of authorship or attribution to persons who have made a contribution to the research.

h) **Undisclosed duplication**

Undisclosed duplication of publication, including undisclosed duplicate submission of manuscripts for publication.

i) **Misrepresentation of credentials**

False presentation of qualifications, experience, competence or credentials.

j) **Facilitation of research misconduct**

Collusion in, or concealment of research misconduct by others.

k) **Improper dealing with allegations of research misconduct**

Failing to address allegations of research misconduct, instigating reprisals against whistle-blowers, failing to adhere to agreed procedures for investigation of allegations, inappropriate censoring of parties through the use of legal instruments such as non-disclosure agreements.

20. The definitions of research misconduct align with those in the [Concordat to Support Research Integrity](#).
21. **Respondent:** The Respondent is the person against whom allegations of research misconduct have been made.

Annex 2: Principles

1. The investigation of allegations of research misconduct will be conducted by the highest standards of integrity, accuracy and fairness.
2. Those responsible for carrying out investigations of alleged research misconduct should always act with integrity, confidentiality and sensitivity.
3. The following principles, as defined below, will inform the use of this Procedure for the investigation of allegations of research misconduct.
 - a) Data Protection
 - b) Fairness
 - c) Confidentiality
 - d) Integrity
 - e) Prevention of Detriment
 - f) Balance

Data Protection

4. The use of this Procedure to investigate or otherwise respond to any allegation will constitute the processing of the personal data of living individuals. The University will comply with the Data Protection Act 2018 and the UK General Data Protection Regulation ('Data Protection Legislation') when using this Procedure. Any special category data received while carrying out the procedure will be processed according to the Data Protection Legislation.

Fairness

5. The investigation of any allegations of research misconduct will be carried out fairly and in accordance with the statutory human rights of all parties involved.
6. Matters will be dealt with promptly - without unreasonable delay of meetings, decisions, or outcomes. Where there is an unavoidable delay, the Initiator(s) and the Respondent(s), and other relevant parties to the investigation will be informed in writing, with an explanation.
7. Respondents and Initiators will be dealt with consistently to avoid risk of unfair outcomes.
8. Those responsible for carrying out this Procedure should be aware of:
 - a) The statutory obligations of the University and the rights of employees and students according to current law.
 - b) Any additional rights and obligations of the University, its employees and its students, and those contracted to carry out research on behalf of the University, for example, those bestowed by the OU's Statutes and Ordinances and by contracts and regulations currently in force.
9. Those responsible for carrying out this Procedure should be mindful of the OU's commitment to equality, diversity and inclusion, ensuring that the values of the University are upheld, and all related obligations are met. Where the allegations concern any equality, diversity and inclusion issues, expert advice will be sought from the Equality, Diversity and Inclusion team.

10. When a formal allegation of research misconduct is made under this Procedure, the Respondent will be given full details of the allegation in writing at the appropriate stage, normally when an allegation proceeds to Initial Investigation. When a research misconduct investigation is undertaken under this Procedure, the Respondent will be given reasonable opportunity and time to set out their case and respond to allegations made against them.
11. The Respondent will be allowed to:
 - a) Ask questions.
 - b) Submit evidence in their defence.
 - c) Suggest witnesses for the Investigator and /or Full Investigation Panel to interview; the Investigator and/or Full Investigation Panel may then choose to invite the suggested witnesses to interview.
 - d) Raise points with the Investigator and/or Full Investigation Panel, as appropriate, about any information given by any witness (regardless of who has called the witness in question).
12. The Respondent(s), Initiator(s) and any witnesses involved in the Initial Investigation and the Full Investigation stage may:
 - a) If they are an OU staff member, be accompanied by an OU colleague or trade union representative when they are required or invited to attend interviews or meetings relating to this Procedure.
 - b) If they are an OU student, be accompanied by an Open University Students Association representative, or by a friend, when they are

required or invited to attend interviews or meetings relating to this Procedure.

- c) If they are external to the University, to be accompanied by a friend when they are required or invited to attend interviews or meetings relating to this Procedure.
- d) Seek advice or assistance from anyone of their choosing, subject to the confidentiality principles below.

13. The role of the accompanying person is to support the interviewee. They may confer with the interviewee, however the interviewee must answer for themselves any questions put directly to them. As the Procedure is not a legal one, no party to the investigation should be accompanied by a legal representative to an interview which is undertaken as part of this Procedure.

14. Note takers will be present at any interview undertaken as part of this Procedure. The notes, while not verbatim, will accurately record the conversation held. Participants in the interview will be given the opportunity to correct matters of fact. Any comments made will be included as an addendum to the interview record. Interview notes will be confidential to the interview participants and those responsible for evaluating evidence under this Procedure, and those responsible for evaluating evidence in any subsequent Procedure to which this case may be referred.

Confidentiality

15. The confidential nature of any proceedings undertaken as part of this Procedure is essential to protect the Initiator(s), the Respondent(s) and others involved in the Procedure.
16. The Procedure will be conducted as confidentially as is reasonably practicable, provided this does not compromise the investigation of the misconduct allegations, any requirements of health and safety, nor any issue related to the safety of research participants.
17. Nothing in this Procedure prevents anyone from making a disclosure under the Public Interest Disclosure Act and the OU's [Whistleblowing Policy](#)).
18. The identity of the Initiator(s) or the Respondent(s) will not be made known to any third party unless:
 - a) It has been deemed necessary (by those conducting the investigation) to carry out the investigation and/or carry out required/necessary actions or disclosures following the outcome of the investigation.
 - b) It is necessary as part of the action taken against the Respondent if (at the end of the Procedure and/or any subsequent process, such as a disciplinary process, and after any appeals processes) the allegations have been upheld.
 - c) It is necessary as part of the action taken against a person who has been found to have made malicious, vexatious or frivolous allegations.

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- d) The University is required to inform a funder, a publisher, a collaborating organisation or any other external body of the identity of individuals proved through appropriate disciplinary and appeals processes to have committed research misconduct, as required by terms and conditions of contract, or to correct the public research record.
 - e) Any party to the Procedure is seeking legal advice or other advice from another third party who owes them a duty of confidentiality.
 - f) It is already in the public domain.
 - g) It is required by law, or by the Office for Students, or another official body.
19. Any disclosure to a third party of the identity of the Initiator(s) or Respondent(s), or of any other details of the investigation, including any evidence submitted will be made only when deemed necessary by the Named Person, and on a confidential basis. The third party will be informed of this and asked to respect the confidentiality of any information they receive.
20. When the University is required to inform funders or collaborating organisations of allegations of research misconduct, the University will inform the external third party at the appropriate time and through the agreed mechanisms, keeping in mind the legal rights of employees, students and others involved in the allegations.
21. While the allegations are under investigation using this Procedure (and/or the [Plagiarism and Research Misconduct Policy for Postgraduate Research](#)

[Students](#), or the OU's [Disciplinary procedures \(internal link only\)](#), or other appropriate procedures), the Initiator(s), the Respondent(s), witnesses or any other persons involved in this or any other related Procedure should not make any statements about the allegations to any third parties unless formally sanctioned by the University or otherwise required by law.

22. Breaching confidentiality may lead to disciplinary action unless covered by the Public Interest Disclosure Act and the OU's [Grievance procedures](#) (internal link only) or [Whistleblowing policy](#)

Integrity

23. The Named Person is responsible for ensuring the integrity of this Procedure and any actions taken.
24. An Initial Investigation or a Full Investigation into allegations of research misconduct under this Procedure must be fair and comprehensive. The investigation should be conducted expeditiously although without compromising the fairness and thoroughness of the process.
25. Those who take part in the Procedure as an Investigator or a member of a Panel must make sure that the investigation is impartial and extensive enough to reach a reasoned judgement on the matter(s) raised.
26. Those who give evidence to the investigation should do so honestly and objectively following these Principles, and will be reminded of this before giving evidence.

27. All parties involved must inform the Named Person immediately of any interests that they have which might constitute a conflict of interest as regards any aspect of the allegations, the investigation, the area(s) of research in question, or any of the persons concerned. Where the Named Person has any interest which might constitute a conflict, they should declare it and refer the investigation to their nominated alternate, who will decide if they should be excluded from involvement in the investigation, recording the reasons for the decision.
28. In the interests of openness and transparency the University will invite a member from outside the University to join a Full Investigation Panel. When an allegation is particularly complex or contentious, the University will use an Initial Investigation Panel to conduct the Initial Investigation, and may invite additional external members to join the Full Investigation Panel.
29. Confidential records will be maintained on all aspects and during all stages of the Procedure. The Named Person is responsible for ensuring that accurate records are maintained and transferred to all stages of this Procedure and made available for potential use in the OU's [Disciplinary procedures \(internal link only\)](#) or any other proceedings or actions which might follow the conclusion of this Procedure and in accordance with the data retention policy set out [in paragraphs 9 – 11](#) of Annex 3 of this Procedure.
30. To preserve the integrity of this Procedure, for fairness to both the Initiator(s) and the Respondent(s), those managing the Procedure will ensure that all relevant information is transferred to those involved in

subsequent stages of the Procedure and any [Disciplinary procedures \(internal link only\)](#) or the [Code of Practice for Student Discipline](#) or any other proceedings or actions which might follow the conclusion of this Procedure.

Prevention of Detriment

31. In using this Procedure and in action taken as a result of using the Procedure the University will take care to protect:
 - a) Individuals against frivolous, vexatious and/or malicious allegations of research misconduct.
 - b) The position and reputation of those suspected of or alleged to have engaged in research misconduct when the allegations or suspicions are not confirmed.
 - c) The position and reputation of those who make allegations of research misconduct in good faith, ie in the reasonable belief and/or based on supporting evidence that research misconduct may have occurred.
32. The University acknowledges that allegations may be made for what appears to be malicious reasons. The University will use the Procedure where a formal allegation is made to establish whether the allegation is of sufficient substance to warrant investigation.
33. The University will presume that any individual accused of research misconduct is innocent pending the outcome of the Procedure or related investigation procedure.

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34. No party to the investigation should consider any action taken by the Named Person in response to the notification of an allegation of research misconduct as a disciplinary action, or an indication that the University believes the allegation to be true. The Named Person, the Investigator and members of any Full Investigation Panel will take reasonable steps to make it clear to the Respondent, the Initiator and any other involved parties that these actions are necessary to ensure that the allegation of research misconduct can be properly investigated.
35. Investigations under this Procedure, will establish on the balance of probabilities, the truth of any allegations of research misconduct.
36. Where allegations of research misconduct have been upheld, in full or in part, under this Procedure, the Named Person may refer the Respondent to the OU's staff [Disciplinary procedures](#) (internal link only), or the [Code of Practice for Student Discipline](#), if appropriate.
37. Any formal steps to discipline or otherwise reprimand the Respondent will be taken through the OU's staff [Disciplinary procedures](#) (internal link only) or the [Code of Practice for Student Discipline](#) as appropriate. Only when allegations have been upheld through the OU's disciplinary procedures and, where called upon, the appeals process, will appropriate disciplinary sanctions be applied to the Respondent.
38. Involvement in the Procedure will not prevent a Respondent who is a member of OU staff from being considered for:
- a) Promotion.

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- b) The completion of probation.
 - c) Other steps related to their professional development.
39. The University will suspend the *implementation* of any promotion, or completion of probation outcomes or any outcomes related to professional development for the period that the allegations are being investigated using the Procedure, rather than delay the consideration of any step relating to professional development.
40. If the allegations are upheld at the end of the Procedure, subject to the outcome of the OU's [Disciplinary procedures](#) (internal link only) and/or appeals process, the University's normal rules concerning steps related to progression and professional development will apply.
41. The Named Person will take appropriate action against anyone who is found to have made a frivolous, vexatious and/or malicious allegation of research misconduct, and may refer that individual to the OU's staff [Disciplinary procedures](#) (internal link only) or the [Code of Practice for Student Discipline](#) if appropriate.

Balance

42. The University acknowledges that there may be occasions when those managing this Procedure will need to strike balance in the application of these Principles and/or the [Standards](#). For example, it may, in certain circumstances prove to be impracticable to undertake a thorough and fair Initial Investigation of the allegations without releasing the Initiator's identity to the Respondent.

43. The Named Person is responsible for resolving any conflicts between the Principles, between the Standards, or between the Principles and the Standards, keeping in mind at all times that the primary goal of this Procedure is to determine the truth of the allegations via a thorough and fair investigation, conducted in a timely and transparent manner, and with appropriate confidentiality. The Named Person, or their delegate, may seek guidance from the UK Research Integrity Office, from other bodies, as well as seeking legal advice.
44. Liaising closely with the Investigator and the Chair of the Full Investigation panel, the Named Person, or their delegate, will ensure a written record is kept of all decisions taken throughout all steps of the Procedure where there is a conflict between Principles, between Standards, or between Principles and Standards.

Annex 3: Standards for the operation of this procedure

1. This Procedure will be carried out according to the following Standards. Those responsible for the operation of this Procedure must ensure that they are familiar with these Standards, as well as the [Principles](#), and will refer to them with respect to all decisions and interpretations.
2. Those conducting this Procedure will endeavour to do so in a way that retains the confidence of both the Initiator(s) and the Respondent(s). Every effort will be made to investigate allegations of research misconduct in the shortest possible timescale necessary to ensure a full and fair investigation.
3. If at any stage of this Procedure, a Respondent or anyone else whether involved in the matter or not raises a counter-allegation of misconduct in research, or an allegation of misconduct in research unrelated to the matter under investigation, these allegations will be addressed under this Procedure as separate matters and will be forwarded to the Named Person for consideration.
4. If at any stage of this Procedure, an Initiator, Respondent or other person raises a complaint about the use or operation of this Procedure or any decision or action proposed or taken under this Procedure, or raises any other grievance, then the Named Person will seek the advice of People Services, the Student Casework Office and other relevant departments, in confidence, to determine an appropriate course of action.

5. Where an Initiator, Respondent or other person involved in the investigation has difficulties at any stage of the procedure due to a disability, they should discuss this with the Named Person, or their delegate, as soon as possible and reasonable adjustments will be made to ensure they are able to fully participate in the procedure.
6. However well managed, research misconduct matters can be difficult for all parties involved, including the Initiator(s), the Respondent(s) and those managing and supporting investigations. The Named Person will ensure that a named support person is assigned to each party to the investigation who is an OU student or member of OU staff.
7. If required to facilitate a full and fair investigation and/or the operation of any aspect of his Procedure, the Named Person, those persons and panels conducting and supporting [Initial Investigations](#) and [Full Investigations](#) shall be free to seek confidential advice from persons with relevant expertise, both within the OU and outside it. To address technical aspects raised by a matter, they may also employ relevant expertise and use of tools or computer software for assessing different forms of misconduct such as plagiarism, data manipulation and fabrication. Those seeking advice will, so far as is possible, anonymise the information provided to make no information available which could lead to the identification of the Initiator(s), Respondent(s) or other individuals involved in the case. Persons consulted will be subject to the same requirements on confidentiality as others involved in the Procedure. Persons who might be consulted include but are not limited to:

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- a) Experts in particular disciplines of research.
 - b) Experts in particular aspects of the conduct of research, such as members of research ethics committees, statisticians, editors of academic journals or equivalent persons from relevant areas of dissemination in research; and or experts in addressing research misconduct and poor practice.
 - c) Representatives of OU departments such as: Commercial and Legal Services, People Services, Academic Services, the Research, Enterprise and Scholarship Unit, Finance and Business Services, the University Secretary's Office, Library Services, Information Technology, Information Rights, Equality, Diversity and Inclusion, or other relevant departments.
 - d) The Advisory Service of the UK Research Integrity Office.
 - e) Legal advisers.
8. Confidential records will be maintained on all aspects, and during all stages, of the Procedure and notes will be made of all meetings convened under the Procedure.
 9. The Research Integrity Officer will retain all reports, correspondence, transcripts of meetings and other documentation relating to the operation of this Procedure. Line Managers, People Services or where applicable, the Graduate School may retain a record of the outcome of the Procedure, subject to the retention period below.
 10. The normal retention period for OU research misconduct enquiry and investigation records is six years after the last entry in a record plus one

year. After the retention period has lapsed the University will maintain anonymised summary information of the enquiry or investigation.

11. Records will only be retained beyond the normal retention period if:
 - a) Their retention can be justified for statutory, regulatory, or legal reasons.
 - b) The research project to which the records relate is still ongoing.
 - c) The retention period of the research project to which the records relate is longer.

12. The Named Person will identify suitable administrative and other support to assist them and other persons responsible for the operation of this Procedure, in addition to the Research Integrity Officer, for example staff from the Research, Enterprise and Scholarship Unit, People Services, and/or Academic Services. Those selected to provide such support will confirm to the Named Person that their participation involves no conflict of interest and that they will respect the confidentiality of the proceedings.

Annex 4: Resolution Using Informal Measures

1. This annex provides guidance on implementing the outcome that the allegation under investigation has some substance but, due to its relatively minor nature or because it relates to poor practice rather than to misconduct will be addressed through education and training or another non-disciplinary approach. This approach may be used after the Initial or Full Investigation stage.
2. The Named Person will determine the informal measures that should follow the outcome of individual cases. They may seek advice from colleagues and the UK Research Integrity Office.
3. Decisions concerning the implementation of informal measures and the reasons for them should be recorded.
4. Informal measures may include, but are not limited to:
 - a) Education, training and other development activities.
 - b) Enhanced supervision/oversight of research activities.
 - c) Restriction of research activities.
 - d) Mentoring.
 - e) Mediation between involved parties.
 - f) Awareness raising of good research practice.
 - g) Pastoral care and support.

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- h) Revision of relevant research practices, systems and/or policies relating to the allegation(s) in question, supported by appropriate training and awareness raising.
5. Respondent(s), Initiator(s), other involved parties, researchers, research teams, departments, and/or professional services staff may be the recipients of informal measures. Different informal measures may be required for different parties. The implementation of some informal measures may require the involvement of external organisations.
 6. The nature, scope and timescale of the informal measures will be defined in writing and communicated by the Named Person to the recipients of informal measures and those who will be responsible for carrying them out. The Research Integrity Officer will normally communicate with external third parties if this is required.
 7. The Named Person will determine who will carry out and/or oversee each informal resolution measure, the resources to support them and whom they should update on progress towards completion of the informal resolution measure (normally the Research Integrity Officer). This individual must inform the Research Integrity Officer if there is a significant delay in starting or completing the measure.
 8. It is in the interests of all parties that the informal measures are completed as defined. The Named Person and the Research Integrity Officer and others as required will support the individual responsible for carrying out the informal measure(s) to achieve this.

9. The Research Integrity Officer will retain records of the nature, scope and timescale of the informal measures, the individual(s) responsible for their delivery, their delivery and the associated outcomes.

10. Upon conclusion of the informal measures, the Named Person will inform involved parties in writing, summarising the delivery and outcomes of the informal measures and any next steps. The Research Integrity Officer will normally communicate with external third parties, if required.

Acknowledgements

This procedure is based on the [UK Research Integrity Office Procedure for the Investigation of Misconduct in Research \(March 2023\)](#).

