

# OXFORD UNIVERSITY GAZETTE

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## CODES OF PRACTICE AND PROCEDURE: PUBLIC INTEREST DISCLOSURE ACADEMIC INTEGRITY IN RESEARCH

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SUPPLEMENT (1) TO NO. 4692 WEDNESDAY, 21 APRIL 2004

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The University's Code of Practice and Procedure in relation to Public Interest Disclosures has been in place since June 1999. In the light of experience, it has been reviewed with a view to clarifying the provisions in the policy and delineating more clearly the responsibilities of those addressing disclosures. On 19 January 2004 Council adopted a revised code of practice to come into effect immediately: it is published in full below. Also published for ease of reference is the Code Practice and Procedure on Academic Integrity in Research which has been updated to reflect changes in University legislation but not substantively revised from the version first published in Supplement (3) to *Gazette* No. 4517 (30 June 1999). The two codes of practice published here supersede those published in that supplement.

### **PUBLIC INTEREST DISCLOSURE: CODE OF PRACTICE AND PROCEDURE**

1. The Public Interest Disclosure Act 1999 provides employees with legal protection against being dismissed or penalised by their employers as a result of disclosing certain serious concerns. It also requires employees who wish to disclose such concerns and who wish to retain the protection offered by the Act to follow the relevant internal procedure provided by their employer in all but the most exceptional circumstances. The following procedure and associated guidance have been designed to assist employees who wish to make such disclosures, and to secure their proper investigation. Although the terms of the Act offer protection specifically to employees, this procedure is available to student members, members of Congregation and other members of staff of the University.
2. The Proctors are empowered under the terms of the University's Statutes and Regulations to investigate certain complaints made to them by members of the University. The University also has in place a number of policies and procedures to address problems that may arise for its employees and students, including those relating to grievance, harassment, discipline, and individual allegations of fraud. In many instances where there is a suspicion of improper behaviour, allegations will be such as to be dealt with directly by reference to these procedures, details of which are set out in the University Statutes and Regulations and summarised in staff handbooks and in the Proctors' and Assessor's Memorandum. In addition, members of Congregation have a right under the Statutes to ask a question in Congregation relating to any matter concerning the policy or the administration of the University (*Statutes*, Statute IV, section 1).
3. However, the University places the greatest importance on the integrity of its operations and encourages members of staff and students to raise genuine concerns about malpractice or impropriety at the earliest possible stage. There may be occasions when an individual has

concerns relating to matters in the public interest which he or she believes merit particular investigation, and following code sets out the way in which the University will address such concerns.

4. This code is intended to assist individuals who believe that they have discovered malpractice or impropriety. It is not designed to address the following:
  - (a) to question financial or business decisions taken by the University;
  - (b) to reconsider any matters which have already been addressed under grievance or disciplinary procedures;
  - (c) to investigate an individual or collective personnel dispute for which there are established routes of complaint and remedies;
  - (d) to investigate an academic dispute between a student and the institution (complaints of this nature should be addressed to the Proctors for consideration under their published procedures).

Once a disclosure is being dealt with under this policy, it is reasonable to expect individuals to await the conclusion of any investigation or review instigated under its terms before seeking to air their complaints outside the institution.

5. Individuals are encouraged to bring to the attention of the University any matters referred to below about which they are concerned.

### **Remit**

6. This guidance is directed specifically at the disclosure of information which is in the public interest and which in the reasonable belief of the person making the disclosure tends to show malpractice involving one or more of the following:
  - (a) criminal activity, including fraud or financial irregularity, corruption, bribery, or blackmail;
  - (b) failure to comply with legal obligations;
  - (c) danger to health and safety;
  - (d) damage to the environment;
  - (e) academic or professional malpractice;
  - (f) a miscarriage of justice;
  - (g) failure to comply with the statutes, regulations and codes of practice of the University;
  - (h) attempts to conceal any of the above.

### **Protection**

7. An individual making a disclosure relating to such matters to the appropriate person will not be penalised provided the disclosure is made
  - (a) in good faith; and

- (b) in the reasonable belief of the individual making the disclosure that the information disclosed, and any allegation contained in it, are substantially true.

### **ConfidentialityConfidentiality**

- 8. The University will treat all such disclosures in a confidential manner.

### **Malicious allegationsMalicious allegations**

- 9. In the event of malicious or vexatious allegations, disciplinary action may be taken against the individual concerned.

### **Anonymous allegations**

- 10. Action will not normally be taken in response to anonymous complaints.

### **ProcedureProcedure**

- 11. An individual who wishes to make a disclosure should do so to the Registrar, in the case of a disclosure concerning an employee or employees of the University, or concerning both employees and students of the University, or to the Proctors, in the case of complaints concerning a student or students. Reference to the Registrar shall be taken to mean a Pro-Vice-Chancellor where the disclosure involves the Registrar.
- 12. Disclosures, which should normally be in writing, should provide as much supporting evidence as possible about the grounds on which the disclosure is being made and about the grounds for believing that malpractice has occurred.
- 13. The Registrar or Proctors as appropriate shall decide whether the concern is such as should be addressed under other existing university procedures, for example in relation to harassment, grievance, discipline, or fraud, or whether further investigation is required. If the Registrar or the Proctors are of the opinion that further investigation is necessary, additional steps shall be taken as follows:
  - (a) Where the concerns relate to integrity in the conduct of research, investigation shall be carried out under the provisions of the code of practice and procedure relating to academic integrity in research.
  - (b) Where the concern relates to the activities of Student Members of the University only, these shall be investigated by the Proctors under their published procedures.
  - (c) In the case of other concerns, these shall be brought to the attention of the relevant head of department, faculty board chair, head of division or Pro-Vice-Chancellor as appropriate, who shall, in consultation with the Registrar, conduct an investigation or shall establish a small panel to conduct an investigation.
  - (d) The individual or panel conducting the investigation shall be entitled to draw on appropriate expertise where necessary (for example in the event of allegations of financial irregularity).

- (e) If any individual is associated with the matter under investigation, the Registrar shall appoint another to act in his or her place.
  - (f) The Registrar shall provide the investigator or investigative panel with its terms of reference and shall assure himself or herself that at least one of those who are asked to investigate a disclosure either have or are able to acquire the necessary expertise and training to deal fully and properly with the subject matter of the disclosure.
14. The Registrar or the Proctors, as appropriate, shall inform the person making the disclosure and, at an appropriate stage, the subject of the disclosure of the nature of the investigation to be undertaken and the likely timescale. Where a disclosure is made, the person or persons against whom the disclosure is made shall normally be allowed to comment before any investigation is concluded under this procedure.
15. Where the investigator or investigative panel believes that the investigation reveals prima facie evidence of misconduct, the matter shall be referred to the appropriate body for disciplinary action under the terms of the University's Statutes and Regulations.
16. In all cases, the matter shall be investigated as speedily as is consistent with thoroughness and fairness. The Registrar or the Proctors, as appropriate, shall report in each case to the appropriate university committee or other body the final outcome of any investigation and of any disciplinary action that might arise from it, and shall draw to the attention of Council, via the appropriate committee, any issues of general importance.

### **Feedback**

17. The action taken, including, in broad outline, the outcome of any investigation, shall be reported to the person making the disclosure and in the event that no action is taken that person shall be given an explanation. In the event that no action is taken, the individual should be allowed the opportunity to remake the disclosure to a Pro-Vice-Chancellor. The Pro-Vice-Chancellor shall consider all the information presented, the procedures that were followed, and the reasons for not taking any further action. The outcome of this will either be to confirm that no further action is required or that further investigation is required, in which case the procedures in 13 above, as appropriate, shall be followed.

## **ACADEMIC INTEGRITY IN RESEARCH: CODE OF PRACTICE AND PROCEDURE**

### **Statement of Principle**

1. The University expects all members of the University including staff and students, and those who are not members of the University but who are conducting research on University premises or using University facilities, to observe the highest standards in the conduct of their research. In

pursuance of such high standards, it is expected that they shall:

- (a) take steps to acquaint themselves with available guidance as to 'best practice' whether in relation to matters of research policy, finance or safety relevant to their area of research; for example, the statement 'safeguarding good scientific practice' published by the Director General of the Research Councils and the Chief Executives of UK Research Councils in December 1998;
  - (b) observe such legal and ethical requirements as are laid down by the University or such other properly appointed bodies as are involved in their field of research;
  - (c) take steps to secure the safety of those associated with the research;
  - (d) report any conflict of interest, whether actual or prospective, to the appropriate authority;
  - (e) observe fairness and equity in the conduct of their research.
2. Failure to comply with the code may give rise to an allegation of misconduct. Misconduct in research may be ground for disciplinary action, and if serious, for dismissal or expulsion.

### **Definition of misconduct**

3. Misconduct for the purpose of this code means the fabrication, falsification, plagiarism, or deception in proposing, carrying out, or reporting results of research, and deliberate, dangerous or negligent deviations from accepted practice in carrying out research. It includes failure to follow an agreed protocol if this failure results in unreasonable risk or harm to humans, other vertebrates or the environment, and facilitating of misconduct in research by collusion in, or concealment of, such actions by others. It also includes any plan or conspiracy or attempt to do any of these things. It does not include honest error or honest differences in interpretation or judgement in evaluating research methods or results, or misconduct (including gross misconduct) unrelated to research processes.

### **Responsibility**

4. All members of the University, and individuals permitted to work in University institutions, have responsibility to report any incident of misconduct, whether this has been witnessed, or is suspected. Suspicions reported in confidence and in good faith will not lead to disciplinary proceedings against the person making the complaint. In the event, however, of a malicious allegation, appropriate action will be taken.

### **Confidentiality**

5. All allegations will be investigated in the strictest confidence. All those who are involved in the procedures for investigating an allegation, including witnesses, representatives and persons providing information, evidence and/or advice, have a duty to maintain confidentiality. For an allegation to be investigated fully, and appropriate action taken, it may, however, be necessary to disclose the identity of the person making the complaint to the person who is the subject of the complaint. The person making the complaint will be advised before such disclosure is made.

## **Advice**

6. In the case of concerns regarding a person or persons other than students, information and advice may be obtained from the head of department, or in the case of non departmentally organised faculties, the chairman of the faculty board, provided that if the concerns relate to the holder of that office, advice should be sought from the Proctors.
7. In the case of concerns regarding a student, information and advice may be obtained from the Clerk to the Proctors.

## **Procedure in the case of suspected misconduct**

8. These procedures are without prejudice to the normal operation of the relevant disciplinary procedure of the University and in the event of any conflict between these procedures and the relevant disciplinary procedure of the University, the latter shall prevail. They have been set out by way of guidance only and may be varied to suit the circumstances of a particular case.
9. All members of the University, and individuals permitted to work in the University the case of complaints relating to staff or students respectively, any incident of misconduct, whether this has been witnessed, or is suspected.
10. In the event that further investigation is required, the Registrar or a person duly authorised on his or her behalf, or the Proctors, as the case may be, shall set up a small panel to enquire into the allegations. This shall normally consist of two members namely a member of the department or faculty with relevant expertise and a member of the University or a college from outside the department or faculty, again, if possible, with relevant expertise. Where it is deemed appropriate by the Registrar, or the Proctors, as the case may be, one member of the panel may be a person external to the University, but with relevant expertise. Members of the panel must have no conflict of interest in the case and must be unbiased. The purpose of the preliminary investigation is to evaluate the facts of the allegations in order to ascertain whether there is sufficient evidence amounting to a prima facie case of misconduct.
11. The Registrar or the person duly authorised on his or her behalf, or the Proctors as appropriate, shall require the production of such records as are necessary to enable the investigation to proceed and shall secure their safe keeping.
12. The respondent shall be informed of the decision to set up the enquiry panel and of the membership of the panel.
13. The panel may interview both the person making the allegation and the respondent, and any other persons who may be regarded as witnesses. Any person attending for interview may be accompanied by another person.
14. The panel shall prepare a report, setting out the evidence which has been evaluated, accounts of interviews, if any, and its conclusions. The respondent shall have an opportunity to comment.
15. In the event that the panel has found no evidence of misconduct, the complaint shall be dismissed. In the event that the panel concludes that prima facie evidence of misconduct exists, the report shall be referred to the appropriate person for action (whether informal or formal) under the

University's relevant disciplinary procedure. In the event that the panel take the view that the allegations, if proved, would constitute good cause for dismissal, and the allegations relate to a person subject to the provisions of Statute XII of the University Statutes, the panel shall bring the report to the attention of the Registrar under the provisions of Statute XII, Clause 19(1), or if the allegations relate to a person subject to the provisions of the University disciplinary procedure for non-academic staff, the panel shall bring the report to the attention of the relevant head of department responsible for employing the person. In the event that allegations relate to a Student Member, the Proctors may take further action under the terms of Statute XI.

16. Subject to availability of personnel and to operational demands the investigation of the panel should normally be completed within twenty working days of first notification of the allegation to the Registrar or Proctors as appropriate.
17. In cases where the complaint concerns someone who is not subject to the University's disciplinary procedure, the panel shall invite the Registrar to bring the report to the attention of the appropriate disciplinary body.
18. Where the research is funded in whole or part by an outside grant, the University shall have regard to the guidance issued by the relevant funding body and shall ensure that such body is given appropriate and timely information as to the instigation and progress of an investigation.