



STRANMILLIS UNIVERSITY COLLEGE
A College of Queen's University Belfast

Regulations Governing the Allegation and Investigation of Misconduct in Research

Version No:	Reason for Update	Date of Update	Updated By
1	Approved by Governing Body	November 2015	
2	Changes to senior staffing structure	February 2018	Director of Research and Scholarship
3	Periodic review	June 2021	Director of Research and Scholarship
4			
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Reviewed by Corporate Planning Committee 1 June 2021
Reviewed by Academic Leadership Committee 7 June 2021

1. Introduction

1.1 Stranmillis University College (hereafter “the College”) has established regulations and policies to govern and maintain the integrity of research carried out under its auspices. The College expects that the standards set be adhered to by all members of staff when conducting research within or on behalf of the College.

1.2 Where concerns are raised regarding research undertaken by a research student, the [Procedures for Dealing with Academic Offences](#) (including research misconduct) should be followed.

2. Definitions

2.1 Misconduct in research covers inappropriate behaviour as well as misconduct in the course of research. Misconduct includes, but is not limited to:

- Fabrication;
- Falsification;
- Misrepresentation of data and/or interests and or involvement;
- Plagiarism; and
- Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to:
 - Humans;
 - Animals used in research; and
 - The environment; and
- The proper handling of privileged or private information on individuals collected during the research.

Illustrative examples are provided in Appendix 1.

2.2 Honest error (which is not due to negligence), or differences of interpretation, are not included as misconduct in research. However, poor research practice may be considered misconduct, particularly where individual negligence results in harm or potential harm to research collaborators or participants.

3. General Principles

3.1 The College is committed to ensuring that any allegation of misconduct in research is thoroughly and expeditiously investigated in a fair and confidential manner to determine whether misconduct in research has been committed.

3.2 The College is responsible for ensuring that researchers are protected from vexatious, malicious or frivolous allegation. Allegations relating to other forms of misconduct should be investigated using the procedures appropriate to that particular allegation.

3.3 An allegation can be received from an external or internal source. Should the allegation stem from an internal source it should be received by the Director of Research and Scholarship. Where possible, the issue should be received in a written format and accompanied by any relevant supporting evidence.

3.4 All staff and students, including those on honorary contracts, and persons authorised to work in the College have a responsibility to report, in confidence, any suspected incident of misconduct in research, whether this has been witnessed or for which there are reasonable grounds for suspicion. Non-reporting of an act of misconduct in research can harm the integrity of research resulting in wide ranging and damaging consequences. Therefore an act of concealment could also be deemed an act of misconduct.

3.5 Any allegation received will be deemed to have been done so under the terms of the College's Whistleblowing Policy and afforded the same guarantee of protection as defined in that Policy.

3.6 Where an investigation establishes that there is a substantive case to answer, the member of staff will be given clear information of the nature and level of the seriousness of the allegation that has been received.

3.7 The member of staff will be given the opportunity to prepare and present their case. They will be informed of the right to be represented or assisted in the presentation of their case by a representative of a recognised trade union, or colleague at every stage of the procedure.

3.8 Written records will be held of meetings relating to the issue.

3.9 Where a precautionary suspension is imposed (see paragraph 6) and/or a formal disciplinary investigation is to be undertaken, and the member of staff is a representative of a recognised trade union, the appropriate full-time official will be informed as soon as practicable. No action beyond an oral warning will be initiated against a representative of a recognised trade union until the appropriate full-time official is notified.

3.10 The procedure outlined here may be varied, where the College considers that it is necessary, in order to ensure fairness. Any such changes will be subject to consultation with the recognised trade union.

3.11 All relevant records, material, and associated technological sources must be secured at the start of the process and retained by the Director of Research and Scholarship. This may include any correspondence, laboratory books, electronic communication or files and evidence of publications.

3.12 Where a panel is convened to examine the facts, the names of Panel members would be made known to individual(s) against whom the allegation is made.

3.13 All persons involved with the investigation must conduct themselves in accordance with principles outlined in Appendix 2.

3.14 All those involved in the process must declare any potential conflicts of interest. Where a conflict of interest does arise, the Director of Research and Scholarship should appoint another appropriate person to either the informal investigation stage

or panel hearing. Where there is a conflict of interest involving the Director of Research and Scholarship, the Principal should appoint an appropriate person.

4. Roles and Responsibilities

The College's Director of Research and Scholarship has responsibility for the proper implementation of this Regulation and supporting procedures. The specific responsibilities for all those involved in this process are outlined below.

5. Reporting and initial consideration of the Allegation

5.1 Allegations of Misconduct in Research may be received via a variety of routes. However, it is imperative that internal communication with the Director of Research and Scholarship occurs within one working day of the matter being raised.

5.2 The Director of Research and Scholarship shall acknowledge the allegation to the complainant and provide them with a copy of these Regulations.

5.3 The Director of Research and Scholarship in conjunction with a relevant senior academic member of staff shall review the allegation. They shall extrapolate the issue in question and determine if the allegation falls within the definition of Misconduct in Research. If, after consideration, they determine the issue does not relate to misconduct in research but that other issues may be involved, the Director of Research and Scholarship shall inform the complainant in writing:

(i) The reasons why the allegation cannot be investigated using these Regulations.

(ii) If there are possible grievance issues, the matter should be referred through the appropriate grievance procedure.

(iii) If there are possible disciplinary issues other than misconduct in research that the matter be referred to the appropriate line manager.

5.4 Where it has been determined the allegation relates to Misconduct in Research the Director of Research and Scholarship should write to the Respondent(s) informing them that that an allegation of misconduct in research has been received. They should be provided with a copy of these Regulations.

5.5 In these circumstances, the Director of Research and Scholarship should determine whether the research project, which the allegations relate to, includes contractual obligations that require the College to undertake prescribed steps in the event of allegations of misconduct in research. Such an undertaking might be in:

(i) A contract/service level agreement from a funding organisation;

(ii) A partnership contract/agreement/Memorandum of Understanding;

(iii) An agreement to sponsor the research;

(iv) Regulatory or legal requirements to notify external organisations.

5.6 The contractual status of the individual should be determined. Where the person is not a member of staff of the College, the Director of Research and Scholarship, should inform the appropriate authority in the employing organisation and the process outlined in section 11 applied.

6. Precautionary Suspension

6.1 Where the suspected misconduct in research is such that it is considered, on reasonable grounds, that the individual's continued presence in the workplace may represent a risk to others, may give rise to further misconduct, or may militate against the effective investigation of allegations, the College Principal may authorise the suspension of the member of staff from duty and/or office, as a precautionary measure. Suspension shall take place only where, and to the extent that it is a necessary precaution pending the completion of a serious misconduct in research investigation and/or hearing or appeal or for other good or urgent cause. The decision to suspend a member of staff would depend on the particular circumstances surrounding each case. It is a serious step that should only be taken when the specific circumstances dictate.

6.2 Suspension is not a disciplinary sanction nor is it a presumption of guilt.

6.3 Suspension would normally be with pay, and will not normally exceed six months.

6.4 The Principal would normally review the suspension at 14 day intervals.

6.5 The member of staff would be notified of the decision to suspend, the extent of the application of the suspension and the reasons for it. This should be confirmed in writing within 2 working days of each review.

6.6 A member of staff who has been suspended from duty may appeal in writing to the Human Resources Manager against the suspension.

6.7 A member of staff who has been suspended must be available at reasonable notice to participate in the investigation and any subsequent disciplinary process.

7. Investigation

7.1 The Investigation forms a **two-stage process**. Stage One involves the screening of the complaint and collation of facts and evidence to determine the seriousness of the allegation. Stage Two involves a hearing by a panel of peers convened from a pre-approved pool of assessors that has been established in consultation with Senior Management.

7.2 Investigation: Stage One – Screening

This initial screening stage will be undertaken by the Director of Research and Scholarship in conjunction with an appointed member of senior academic staff.

7.2.1 Where practicable this stage should be completed within 30 working days of receiving the allegation.

7.2.2 All relevant records, materials and associated technological sources must be secured. This may include any correspondence, electronic communication or files, evidence of publications.

7.2.3 In order to establish the facts surrounding the allegation, the investigators would meet with the complainant(s), the member(s) of staff and their line manager(s). The purpose of these meetings is to gather all factual information about the matter raised.

7.2.4 Following the initial collation of information a report shall be prepared which will indicate one of the following outcomes:

- (i) The allegation is sufficiently serious and sufficient evidence is available to justify a formal investigation (see section 7.3 below).
- (ii) The allegation has some substance but can be addressed through remedial action and/or education and training.
- (iii) The allegation is mistaken or has insufficient evidence to support it.

- (iv) The allegation is frivolous, vexatious and/or malicious.

7.2.5 If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the person making the allegation. If, however, an allegation is established to have been made frivolously, maliciously or for personal gain, disciplinary action may be taken against the individual, if an employee or student, in accordance with the appropriate disciplinary procedures.

7.2.6 Where the allegation involves plagiarism or is complex and a clear decision cannot be taken, it may be necessary to convene a screening panel. This panel would consist of 3 persons drawn from a pre-approved pool of assessors. Where necessary, assistance may be sought from the UK Research Integrity Office, if appropriate, or another external body co-opted to provide input into the proceedings. This screening panel would consider all the evidence gathered drawing its own conclusions and determining the appropriate outcome, as listed in 7.2.4 above.

7.2.7 The outcome of the decision should be communicated in writing to the respondent. Where the decision has been categorised as ii, iii, or iv this should also be communicated to the complainant.

7.2.8 Where an informal investigation establishes that there is a substantive case to answer, the member of staff should be given clear information of the nature and level of the seriousness of the misconduct in research matter. This should be addressed under Stage Two of these Regulations.

7.3 Investigation: Stage Two – Panel Hearing

Where a substantive allegation of misconduct in research is established, except in those instances where the facts are not in dispute, the Director of Research and Scholarship should:

7.3.1 Formally write to the individual against whom the allegation has been received giving clear information of the nature of the complaint and providing a copy of the Regulations for information.

7.3.2 Establish a Hearing Panel comprised of at least three members of senior academic staff (excluding Director of Research and Scholarship) drawn from a list of pre-approved assessors, approved by Senior Management. The Panel should have at least one person who has expertise in a relevant area of research.

7.3.3 Once established the Panel will nominate a Chair at their first meeting. The Chair should be a senior academic staff member, with sufficient previous experience and can act as the presenting officer at any disciplinary hearing, if the Investigation Panel determines that there is a substantive disciplinary case.

7.3.4 Collate details of funding sources (both external and internal) involved in the work under investigation, regulatory bodies, the involvement of any external/internal collaborators and other bodies that may require notification. At the appropriate point in the process, the Director of Research and Scholarship will write to notify external bodies, as required.

7.3.5 Where the panel constitution lacks the relevant expertise, an additional member may be invited to join the Panel, if deemed appropriate. This person would normally be drawn from outside the College and should be co-opted after due consultation with the Director of Research and Scholarship.

7.3.6 Panel members have the authority to interview persons involved in the research and request any documentation relevant to it.

7.3.7 Any unduly long delay in the process must be communicated to both parties involved advising them of the same.

7.3.8 The Chair of the Panel shall prepare a report on behalf of the Panel.

8. Outcome – Panel Hearing

8.1 Following an investigation that has considered the relevant written material and verbal information; the Panel should prepare a report giving one of the following outcomes and providing reasons:

8.1.1 A substantive misconduct in research case has not been established and no further disciplinary steps should be taken.

8.1.2 A substantive misconduct in research case has not been established, but the integrity of the research may be compromised owing to performance or practice issues. This should be followed up by Capability Procedures or addressed through relevant structures.

8.1.3 A substantive misconduct in research case has been established but the complaint constitutes a minor offence which should be dealt with by way of remedial action and/or education and training.

8.1.4 A substantive misconduct in research case has been established and that the allegation is of a sufficient level of seriousness to be dealt with under the College's Disciplinary Procedure. In this event, the member should be informed of the seriousness of the issue and that a disciplinary hearing would be convened.

8.2 Where an allegation of misconduct in research has been substantiated, the Panel would consider any warnings already on the employee's file in order to establish the level of seriousness. If a warning is active on file for the same or a similar offence the matter would automatically be considered as more serious. An active warning for an unrelated offence would not automatically result in the offence in question being considered as more serious. However, where there is a series of different offences or a pattern of offences happening after the warning period has elapsed, disciplinary action may be taken on the grounds of overall conduct.

8.3 The appointed Chair would, on behalf of the panel, prepare the report and any subsequent correspondence.

8.4 Where the Panel determines that there is a substantive misconduct in a research case, the Panel Chair would be the presenting officer at a disciplinary hearing constituted under the College's Disciplinary Procedure.

8.5 The Disciplinary Panel as constituted under the College's Disciplinary Procedure should contain at least one member with sufficient, appropriate academic expertise to properly evaluate the report of the Investigation Panel, and any other issues relating to the conduct of the research that might arise. This member should have had no previous involvement in the investigation and there should be no real or perceived conflict of interest with any party to the investigation. The Disciplinary Hearing should otherwise proceed as defined under the College's Disciplinary Procedure.

9. Appeals against Findings of Misconduct in Research Hearing Panel

9.1 An appeal on the decision of the Misconduct in Research Hearing Panel may be made except where the case is proceeding under the College's Disciplinary Procedure.

9.2 The member of staff wishing to appeal a decision should lodge their appeal in writing, addressed to the Principal within 10 working days of receipt of the written notice conveying the decision of the Investigation Panel.

9.3 The appeal must state the grounds upon which it is made.

9.4 On receipt of an appeal the Principal will identify an appropriately constituted Appeal Panel, requesting the Director of Research and Scholarship to convene the

Appeal Panel. None of the members should previously have had any involvement with the case.

9.5 The Appellant should be notified in writing of the date of the appeal hearing, with at least 5 working days' notice being given. The hearing of the appeal should normally take place within 20 working days of the receipt of the appeal. In exceptional circumstances, or by mutual agreement, this period may be extended.

9.6 The misconduct in research appeal hearing is not a re-hearing of the case put before the Misconduct in Research panel hearing, unless that is necessary to remedy previous defects. The appeal hearing is required to consider if the original decision was inappropriate in accordance with the specified appeal grounds. The Appeal Panel may vary the procedure outlined in Appendix 3 where it is considered appropriate to do so without unreasonably prejudicing the interests of the parties.

9.7 The decision of the Appeal Panel shall be final.

10. Subsequent Action

10.1 Following completion of the Disciplinary Procedure, the College may notify any relevant professional body, relevant funding body or other public body, the editors of any relevant journals or publishing houses that have published material by the person against whom the allegation has been upheld, or any other body which is likely to be affected by the misconduct in research in question. All such disclosure would be limited to misconduct upheld in relation to research relevant to such bodies or published by such journals or publishing houses.

10.2 Where the allegation has concerned someone who is not subject to the College's disciplinary procedures, the College would bring the report(s) to the attention of the appropriate employing body. In such cases, the report should be limited to detailing whether or not substantive evidence of misconduct in research was found and, if so, its seriousness.

10.3 If the allegation has not been substantiated the College would take appropriate steps to notify all parties previously informed of the alleged misconduct in research of the outcome of the investigation or disciplinary procedure.

10.4 If the allegation is not substantiated and the College becomes aware that it has become public, the College would consider taking whatever action it deems appropriate to restore the good name and reputation of the respondent.

11. Outside Bodies, Staff not employed by the College

11.1 Where the alleged misconduct in research involves an individual not employed by the College, the appropriate authority in the individual's employing organisation should normally be informed of the nature of an allegation and that an investigation is taking place. In such cases, the College is only empowered to investigate activities that have occurred within its precincts or that have been undertaken on its behalf, but, if necessary, it may request that the employing organisation either co-operates in the investigation or undertakes its own investigation.

Appendix 1

Examples of misconduct in research

For the purpose of these Regulations, misconduct in research covers inappropriate conduct as well as misconduct in the course of research activity that breaches the College's regulations and policies that govern research. The following examples are intended to be illustrative rather than definitive. Misconduct in research may include; actual, planned, collusion to or incitement to undertake:

- Authorship misconduct
 - Lack of appropriate authorship for contributors to the research presented, e.g. as a journal article, conference presentation;
 - Misappropriation of authorship, i.e. inclusion of authors, or claiming authorship for self, where a significant contribution to the work has not been made;
 - Listing authors without their approval;
- Breach of duty of care
 - Failure to keep information confidential;
 - Use of material provided during review of grants/journal articles;
- Deception
 - Presentation of false information to obtain advantage or facilitating misconduct in research by collusion in, or concealment of, such actions by others;
- Ethics
 - Failure to acquire the required ethical consent from the appropriate Ethics Committee for research;
 - Failure to comply with any limitation placed on the research by the Ethics Committee
- Fraud
 - Deliberate and unscientific manipulation of data to misrepresent the truth. This may include the fabrication of data, falsification of data and omission of data or the misuse of research funds, equipment or premises;
- Harm
 - Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to humans used in research; and the environment.
- Interference
 - Damage to equipment or material thus hindering the progress of another's research or increasing risk to safety;
- Negligence
 - To increase the risk of endangerment to health of co-workers or participants in research, e.g. through poor maintenance of equipment or non-compliance with accepted procedures or protocols;
- Non-compliance
 - The failure to ensure that research involving human participants is appropriately indemnified or that research complies with all relevant prevailing legislation and/or procedures, e.g. Health & Safety, Data Protection Act / GDPR, agreed protocol, ethical approval or, professional or funding body code of conduct;

- Omission
 - Deliberate omission of work of others with the intention of presenting work as an individual new discovery;
- Piracy
 - The deliberate exploitation of work and ideas from others without permission or acknowledgement;
- Plagiarism
 - The presentation of the work or ideas of others as own without appropriate acknowledgement;
- Publication
 - Multiple publications – individuals should not publish multiple papers based on the same data presenting the same results;
 - Lack of acknowledgement – papers should include acknowledgement of individuals who have contributed to the paper, but not enough to warrant authorship;
 - Publishing data known, or believed to be false or misleading;
- Suppression
 - Deliberate prevention of material or work of others reaching the public domain – in journal articles, grant application, or not presenting results which would impact on the findings of the research;
- Victimization
 - When retaliation is undertaken against an individual who has, in good faith, raised a complaint of misconduct in research.

This list is not exhaustive nor meant to be complete, but provides examples of the kinds of practices that may be considered as misconduct.

Appendix 2

Principles and Procedures for the Conduct of an Investigation into a substantive Misconduct in Research Allegation

1. Investigation Principles

Investigations undertaken by the College to determine whether misconduct in research has occurred are based on the following principles:

1.1 Independence: there should be no conflict of interest between those conducting the investigation and either the person(s) instigating the allegation or the individual(s) alleged to have undertaken misconduct.

1.2 Presumption of innocence: a public presumption of innocence should be maintained until the investigation is completed.

1.3 Protection: under the College's Whistleblowing Policy, individuals have the right to raise issues of misconduct in research (provided these are raised in good faith), and must be afforded protection in doing so and after the conclusion of any investigation. Equally, those alleged to be involved in misconduct must be protected against false accusations and, if the allegation has been made public, the University should take whatever action it deems appropriate to restore their good name and reputation.

1.4 Confidentiality: all proceedings and information must be kept confidential during the course of any investigation and following completion. Anyone being made privy to the matter of the investigation or to related documentation must be made aware of their responsibility to maintain confidentiality.

1.5 Transparency: individuals involved in the process must be fully informed of the procedures that should be followed and their rights and responsibilities within them. They must also be fully informed of the membership of an investigation or Appeal Panel.

1.6 Co-operation: full co-operation with any investigation of misconduct is required. Individuals should provide all information and material requested within a reasonable time.

1.7 Record-keeping: at each stage full and accurate records must be kept and agreed where possible; where this is not possible, differences should be accurately reported.

1.8 Timeframe of investigation: any allegation should be investigated as quickly as possible without compromising the principles and procedures. However, the Panel should aim to complete its investigation and report within 60 days of being convened. Allowances may have to be made for normal holiday periods. Any deviation from the normal time frame should be fully recorded and the Director of Research and Scholarship apprised of the same.

1.9 Completion: once an allegation of misconduct in research has been received it must be investigated even if the individual(s) concerned resigns from the College, or ends their association with the College.

2. Process

2.1 An allegation, other than one that is dealt with under Stage One, should be subject to a formal misconduct in research Panel Hearing. The Director of Research and Scholarship should arrange for the investigation to be undertaken and should inform the Human Resources Manager of this in writing.

2.2 The Panel should seek to ascertain the circumstances leading up to and surrounding the alleged misconduct and this investigation process should vary from case to case.

2.3 If there is a substantive case to answer the Panel should make recommendations to the Human Resources Manager on the action to be taken.

3. Conduct of the Hearing

3.1 The detailed conduct of each Investigation should be dependent on the particular nature of each case, but the following general procedure should be followed:

3.2 For the first meeting of the Hearing Panel, the Investigatory Team shall prepare a report, detailing the allegations and any related issues that may have been identified. The first meeting of the Hearing Panel should take place within 30 working days of the initial investigation being completed.

3.3 The Panel should examine all the evidence that has been collated as part of the investigation.

3.4 The Panel retains the right to interview the individual concerned and any other parties it chooses, including the complainant and any other individuals who may have information regarding aspects of the allegation.

3.5 A member may be represented or accompanied by a trade union representative or University colleague at any meeting held as part of this procedure. He/she should be informed of this right and may postpone the meeting for up to 5 working days in order to obtain representation.

3.6 In the course of the investigation statements may be taken. Those providing oral statements should have the opportunity to confirm that the record of their statement is accurate.

3.7 The Panel may determine that additional experts need to be consulted during the investigation, to provide special expertise regarding the analysis of specific evidence. Any such expert should be independent of any party involved in the investigation. They should be free to put questions forward during an interview and to take part in the discussion of the case, but not to vote in any decision.

3.8 The need for confidentiality must be made clear to all individuals involved. Where the name(s) of the complainant(s) of the allegation is to be made known to the individual(s) against whom the allegation was made, the complainant(s) must be informed of this prior to their name being released.

3.9 The Panel Hearing should normally be completed within 30 working days, from the decision to initiate the Hearing to the stage where a draft report is completed. Where it becomes evident that a further period of time is required, the reasons for this should be documented and all those involved informed.

3.10 In cases where there are two or more individuals alleged to have been involved in misconduct in research, an overarching report should be prepared detailing the Panel's findings relating to the general issues involved. Separate reports should also be prepared for each individual involved, detailing the findings related to their role and any disciplinary outcome.

3.11 The draft report should be sent to the individual(s) against whom the allegation was made for comment. In cases where two or more individuals are involved, each individual should receive a copy of the overarching report and the report relating to their role. Comments must be submitted in writing within 15 working days, and should be attached as an addendum to the report.

3.12 The complainant(s) of the allegation may, if deemed appropriate, be provided with those portions of the report that addresses their role and opinions in the investigation. Comments must be submitted in writing within 15 working days, and should be attached as an addendum to the report.

3.13 The final report should be modified in the light of comments received, if deemed appropriate, prior to finalisation.

Appendix 3

Appeal Panel Procedures

1. The appeal hearing is not a re-hearing, unless it is necessary to remedy previous defects. The appeal hearing is required to consider if the original decision was inappropriate on the grounds of the appeal specified.

2. Witnesses may be called only with the Appeal Panel's permission and may be examined and cross examined by the parties. The Appeal Panel may vary the procedure outlined below where it is considered appropriate to do so without unreasonably prejudicing the interests of the parties.

4. The procedure should be as follows:

4.1 The member of staff or their representative should make submissions.

4.2 The Appeal Panel may question the member of staff and their representative.

4.3 The presenting officer for the Investigation Panel should make submissions.

4.4 The Appeal Panel may then question the presenting officer for the Investigation Panel.

4.5 The member of staff or their representative should have the opportunity to make final submissions.

4.6 The presenting officer for the disciplinary tribunal should have the opportunity to make final submissions.

4.7 The parties should be invited to withdraw before the Appeal Panel considers its decision.

5. The member of staff should attend the appeal hearing, but the hearing may proceed in their absence where the Appeal Panel considers that such absence is unreasonable in the circumstances.

6. The Appeal Panel may confirm, set aside, or reduce, any sanction imposed by the disciplinary tribunal.

7. Where the decision confirms the decision of the disciplinary tribunal, any sanction imposed should take effect from the date of the disciplinary tribunal's decision.

8. Where the decision involves a variation of the disciplinary action, the Appeal Panel should state the operative date.

9. The Director of Research and Scholarship, on behalf of the Appeal Panel, should give a reasoned decision in writing to the member of staff against whom the allegation has been made within 5 working days of the appeal hearing ending.

The decision of the Appeal Panel will be final.