

2 Principles

2.1 Ethical and Legal

Researchers¹ may participate only in work that conforms to accepted ethical standards. In the case of work which is put in the public domain, they may only participate in research which they are competent to perform. They must be aw(se)341.92 reW*6-3 (n tBDC Qe)37rdsrs

make colleagues aware of research in which they are engaged (to solicit interest and feedback) and their publications;
make colleagues aware of research funding bids in preparation both to inform and also to avoid internal competition for such funding;
inform colleagues of completion of projects and publications arising from them.

2.5 Accessibility

Researchers have an obligation to keep records and data in such a way as to facilitate the verification of the research by other researchers or future research (see **3.2** below).

2.6 Scrutiny

Subject to the principles of confidentiality (see **2.7** below), research results and methods should be open to scrutiny by colleagues within the University and, after publication, by other academics and professionals.

2.7 Confidentiality

Data Protection and Privacy

If data of a confidential nature are obtained (for example, from questionnaires or medical records), confidentiality must be observed, and researchers must not use such information for their own personal advantage or that of a third party.

Intellectual Property

Confidentiality may also be necessary for a limited period in the case of contract research, or other research which is under consideration for patent (or design) protection, or for other commercial-in-confidence reasons. Where confidentiality agreements limit publication and discussion, limitations and restrictions must be explicitly stated in the agreement. All researchers should ensure that they are familiar with, and comply at all times with the confidentiality obligations in research contracts. (For the protection of confidentiality in the case of Intellectual Property, see *The Management of Confidential Information: Code of Practice and Procedures*).

2.8 Conflicts of Interest

Researchers must be honest about conflict of interest issues whether real, potential, or perceived, when reporting results. Paragraph **3.5** below summarises key issues in the University's *Conflict of Interest and Commitment Policy* (HRPS35) and the procedure to be followed.

2.9 Leadership, and Organisation in Research Groups

'The culture and tone of procedures within any organisation must be set by individuals in authority'³.

Within the University it is the responsibility of the Deputy Vice-Chancellor Academic, the Deputy Deans, and the Deans to ensure that a climate is created which allows research to be

³ ibid

The keeping and maintenance of laboratory notebooks, and other data sources can also help to ensure that Intellectual Property can be protected. (Procedures in respect of such notebooks are given in the Appendix to Guidelines to Intellectual Property).

3.2.3 Data Retention

Sound research procedures often require the discussion of data and research methods with colleagues. Discussion may also occur after the research is complete often because of interest

3.4 Publication and Other Public Reporting of Research Findings

an obligation to explain fully the status of the work and the peer-review mechanisms to which it will be subjected.

Publications must include information on the sources of financial support for the research. Financial sponsorship that is not declared may invite the presumption that a conflict of interest exists. Funding arrangements that require an embargo on the naming of a sponsor should be avoided¹².

The contributions of formal collaborators and all others who have directly assisted, or indirectly supported, the research should be properly acknowledged.

Delays in publication should be avoided except where proprietary information is at issue, as for example, where it is proposed to file a patent or a registered design. Staff should be aware that, according to the University's Intellectual Property Policy, many forms of Intellectual Property such as patents, designs, and software that they develop in the course of their employment and/or using University resources belong to the University.¹³ In all cases where the University is the owner, they are bound by University decisions in respect of publications. In cases where the research has an external sponsor, the University acknowledges the legitimate interests of the sponsor in securing protection for developments made in the course of research. University staff and research students working on sponsored research must ensure that they adhere to the terms of the sponsor's contract in respect of publication and its timing.

Staff should also be aware that there is an implicit term in their contracts according to which they are required to act in good faith towards the University. Great care should be taken in publishing material that is critical of the University or that may damage its interests.

3.5 Conflict of Interest

Research activities must be conducted in an objective manner, free from any potential for undue influence arising from the interests of those responsible for the conduct of the research. Researchers should familiarise themselves with the *Conflict of Interest and Commitment Policy* (HRPS35).

Researchers have an obligation to disclose any affiliation with, or financial involvement in, any organisation or entity with a direct interest in the subject matter of the research or in the provision of materials for it. A conflict of interest may also arise if any organisation or entity with a direct interest in the subject matter provides direct benefits to the researchers such as sponsorship of the investigation, or indirect benefits to the researchers such as the provision of materials or facilities, or support of the researchers such as provision of travel or accommodation expenses to attend conferences.

Conflicts of interest can also occur in cases where a researcher (or their spouse or dependent) has a financial interest (equity, directorship, consultancy) in the funding agency being paid

¹² Should a publisher choose to edit submitted work in such a way as to delete reference to the funding source, researchers must make the publisher aware of the University's policy as stated in this document, and in the case of research funded by external bodies, of the University's contractual commitments in respect of due acknowledgement.

¹³ See Policy on Intellectual Property for Staff

from the grant fund, or where the terms of a new grant from a funding body require disclosure of project data from a related project and the terms of the related project grant prevent that disclosure (see paragraph 2 in **3.2.3** above).

Researchers must advise their Directors of Research and Postgraduate Studies of any potential or actual conflict of interest before embarking on the research. This should be done by completion of a *Disclosure of Potential Conflict of Interest* form (Appendix 1) which should be sent to the Deputy Dean who will then decide, normally in consultation with the Dean of School, whether a conflict of interest exists.

If a conflict of interest is considered to exist, the Deputy Dean must refer the matter to the Deputy Vice-Chancellor Academic who will determine what further action to take. That action may include consultation with the researcher, and may also involve consultation with the funding body, or other parties, to ensure that the conflict of interest does not compromise the research, or the University's interests. In some circumstances, it may be necessary to disclose the conflict of interest to the funding body, or the editors of journals, or the readers of published work arising from the research. In some circumstances, it may be necessary to reject, or terminate¹⁴, a research project.

¹⁴ Best practice is always to disclose interests before the research commences.

Appendix 1

Middlesex University: Code of Practice for Resea

Disclosure of Potential Conflict of Interest

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PRINCIPLES AND PROCEDURES FOR HANDLING ALLEGATIONS OF RESEARCH MISCONDUCT

(Based on the RIO Code)

1. Introduction

Middlesex University has a responsibility to ensure that research carried out by its employees, researchers and students, or by others in its name, is carried out in conformity with the law, and in accordance with best practice and principles. The University is committed to maintaining integrity and probity in research. This document sets out the principles and procedures for making, managing, and investigating allegations of research misconduct which can arise from a broad set of circumstances.

All employees of the University, students, researchers, and other individuals who work in the University's Schools or research centres are under a general obligation to preserve and protect the integrity and probity of research. If they have good reason to suspect any misconduct in research, they should report their suspicions as prescribed in 6 below.

2. Purposes of Procedures

The purposes of these Procedures are:

- to deter research misconduct;
- to provide a degree of public confidence that Middlesex University maintains the highest standards of research conduct;
- to enable individuals to raise legitimate concerns relating to research misconduct carried out by Middlesex University employees, researchers, students, or others in its name;
- to provide a process for concerns to be raised, investigated and, where appropriate, action taken upon in a fair and transparent manner and in confidence;
- to make clear to individuals who believe that they need to make an al

Research Misconduct covers a range of types of action or failures to act. It includes but is not limited to engaging in, or attempting to engage in, or planning intentionally or recklessly an act of misrepresentation, or misappropriation, or interference in research activity, misusing research findings, or failing to follow accepted procedures and protocols.

Misrepresentation in carrying out or reporting research results includes but is not limited to:

- fabricating data: claiming results where none has been obtained;
- falsifying data including changing records;
- deceiving such as selective suppression of data elements that fail to fit the expected results;
- misquoting the work of another author;
- misleading ascription of authorship including the listing of authors without their permission, or attributing work to others who have not contributed to the research.

Misappropriation/Misuse includes but is not limited to:

- plagiarising work: presenting the documented words, data, or ideas of another as one's own without attribution appropriate for the medium of presentation;
- intentionally omitting reference to the relevant published works of

integrity of the individual concerned and the accuracy of any research findings;

failing to declare (where known) that an external collaborative partner has been found to have committed research misconduct in the past or is the subject of a current research misconduct investigation;

concealing the research misconduct of another researcher at Middlesex University, thereby fa(o)-3 (r i1-5 (lese)-5 (x(o)654 Tma)-3 (g)6 ((u)-3 B-4 (

5 Principles

Fairness: The investigation will be carried out fairly and in accordance with the statutory human rights of all parties involved. Respondents will be given full written details of allegations, opportunity to respond to the allegations made, the right to present evidence in their defence, ask questions, and respond to information given by witnesses. Respondents, complainants and witnesses will be given the opportunity to be accompanied by a fellow employee or trade union representative, and to seek advice and assistance from persons of their own choosing. To ensure a fair investigation, an individual is not permitted to serve on both the Screening Panel and the Investigation Panel.

Confidentiality: The procedurer5aj 595255r1 Tf12 0 0 12 72.024 744.94 Tm[sta]-5 (tu)-5 (t)8 (o)-3

6 Initial Allegation

6.1 An allegation of research misconduct should be made to the Dean of the School to which the respondent belongs. Should another staff member within the School receive the allegation, he/she should pass it on to the Dean. The Dean will immediately inform the DQ 0 8 0 12 45 (a)-5 (e)-3 at -e a aet -e aent o9(d)-3 (a)-5 leceive theen c

8 Screening Stage

separate from the line management of both the Complainant and the Respondent. As far as is practicable, the appointment of Screeners should be made with regard to an appropriate balance of ethnicity and gender.

8.2 The Chair of the Screening Panel will inform the Respondent of the allegations and of the procedures under which it is being investigated (these procedures), and will give him/her 10 working days in which to respond in writing.

8.3 The Respondent may decline to have the allegation considered at School level. In this case the allegation will be subject to formal investigation as set out in **9** below.

8.4 The Screeners will collect documentary evidence from the Complainant and Respondent. This may include, but will not be limited to, papers, computer records, laboratory notebooks, and statements from witnesses. The Screeners may seek advice and further information from both inside and outside the University.

8.5 Within 30 working days of receipt of the allegation, the Chair of the Screening Panel will submit a confidential written report to the Dean together with any documentation collected during the screening process and any written comments submitted by the Respondent. The report will advise the Dean into which of the following 3 categories they assess the matter to fall:

- the allegation is sufficiently serious and has sufficient substance to merit a formal investigation; or
- the allegation has some substance but due to a lack of intent to deceive and/or its non-serious nature it can be dealt with and remedied at School level, without the need for a formal investigation;
- the allegation is unfounded, either because it is mistaken or otherwise without substance, or because it is malicious, reckless, frivolous, or trivial.

8.6 The Dean will send a copy of the report to the DVC Academic.

8.7 If the Screeners assess that the allegations fall into the first category, the DVC Academic will commence the procedures for a formal investigation as set out in section **9** below.

8.8 If the Screeners assess that the allegations fall into the first category, and the respondent *admits some responsibility* for the research misconduct, the DVC Academic, on advice from senior academics, and with the agreement of the Respondent, may dispense with the formal stage, and move straight to the disciplinary procedure.

8.8 If the Screeners assess that the allegations fall into the second category, the DVC Academic will ask the Dean to put in place appropriate support, training, or other measures, as appropriate.

8.9 If the Screeners assess that the allegation fall into the third category, the DVC Academic shall dismiss the allegation, and subject to **8.10** below, no further action will be taken.

8.10 It is expected that the DVC Academic will normally accept the recommendation of the Screeners. Nevertheless, it is open to the DVC Academic, following consultation with senior academics and/or members of the University Ethics Committee to reject the recommendation of the Screeners in cases where the recommendation is felt to be too lenient or too harsh.

8.10 If the Screeners assess that the allegation falls into the third category but is malicious or reckless, the DVC Academic will refer the case to Human Resources for disciplinary or other appropriate action where the Complainant is a staff member.

8.11 The DVC Academic will send a copy of the Screeners' report to the Complainant together with confirmation on any further action to be taken in respect of the case.

8.12 If during the screening process, the Screeners uncover or suspect further instances of misconduct by the Respondent him/herself or in collaboration with others, the Screeners will submit a new allegation of misconduct to the DVC Academic for consideration under the Screening Stage. Should there be others involved who fall outside the scope of these procedures (**3.1** above), the DVC Academic will inform the relevant external organisation concerned for the latter to investigate according to its own procedures (**3.6** above).

9 Formal Investigation

9.1 The Formal Investigation stage aims to establish the facts in greater detail than the Screening Stage in cases where it has become clear from the screening stage that there is a case to answer. This second stage is concerned with the establishment of facts and does not obviate the need for the disciplinary procedures to be invoked where research misconduct has been found to have taken place. The report of the Formal Investigation Stage and supporting evidence it has used will be passed on to the disciplinary panel in all cases where such a panel is set up.

9.2 The DVC Academic will appoint a Panel to carry out the investigation as soon as is practicable and this will normally comprise a Chair and at least 2 members. The Chair will normally be a Dean (or ADR) from a School of which neither the Respondent nor Complainants are members. The 2 (or more) Panel members will be active researchers also from Schools of which neither the Respondent nor Complainants are members. In no case will an individual who has already served on the Screening Panel serve on the Formal Investigation Panel. As far as practicable, the appointment of Panel members will be made with regard to an appropriate balance of gender and ethnicity. Where the Respondent is a staff member, a Manager from Human Resources shall be appointed as an Observer to give the Panel relevant advice. Where the Respondent is a research degree student, the Academic Registrar, or nominee, will be appointed as an Observer to give the Panel relevant advice. A Secretary will also be appointed.

9.3 The DVC Academic will send the Formal Investigation Panel the report from the Screening Stage.

9.4 The Panel Chair will inform the Respondent in writing of the allegations, and will invite him/her to respond orally, and to produce further written statements or evidence in his/her defence. The Panel Chair will also send a copy of these Procedures to the Respondent.

9.5 The Formal Investigation Panel may:

- (a) examine the statements of the Complainant and Respondent;
- (b) interview the Respondent, the Complainant, and any other party it chooses;
- (c) require the Respondent and, if it judges necessary, other members of the University to produce files, notebooks, and other records;
- (d) widen the scope of its investigation if it considers this necessary;
- (e) seek evidence from other parties.

The Respondent, Complainant, and Witnesses may each enlist the help of an individual (a Representative) to present his/her case. The latter will normally be a staff member of the Respondent's/Complainant's/ Witness's School but needA á ~ o

Care shall be taken to maintain the anonymity of the Complainant and the key witnesses. Any comments that the Respondent submits with 14 working days will be attached as an addendum to the Report.

9.9 If, on reviewing the evidence, the Formal Investigation Panel uncovers or suspects further instances of research misconduct by the Respondent him/herself (or in collaboration with others) that are unconnected with the case under investigation, the Formal Investigation Panel will submit a new allegation of research misconduct to the DVC Academic for consideration under the initial Screening Stage. Should there be others involved who fall outside the scope of these procedures (3.1 above), the DVC Academic will inform the relevant external organisation concerned for the latter to investigate according to its own procedures (3.4 above).

9.10 It is expected that the DVC Academic will normally accept the recommendation of the Formal Investigation Panel. Nevertheless, it is open to the DVC Academic, following consultation with the DVC Research and Enterprise and senior academics and/or members of the University Ethics Committee to reject the recommendation of the Formal Investigation Panel in cases where the recommendation is felt to be too lenient or too harsh. In such cases, and where the Respondent is a staff member, the DVC Academic will be advised by the Head of Human Resources, and this advice will include, where appropriate, the need (or otherwise) for a disciplinary hearing.

10 Monitoring, Evaluation and Review of the Procedure

10.1 The University Ethics Committee will be responsible for the annual monitoring of the number of allegations received by the University, for reviewing any issues raised, and for evaluating the effectiveness of the procedures adopted in addressing them. This will in part be based on information provided by the Deans in their annual reports to the University Ethics Committee. These annual reports will include the number of allegations of research misconduct received in the School, details on how the allegations and associated issues were addressed, and the effectiveness of the procedures adopted in addressing them.

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