# CODE OF PRACTICE FOR RESEARCH: PRINCIPLES AND PROCEDURES

## 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 the best current practice and principles. This responsibility is particularly important where professional or industrial practices, or public policy might be defined or modified in the light of research findings.

The broad principles that guide research have long been established, and they are regarded as vital to the University. Central to these are the maintenance of high ethical standards, and validity and accuracy in the collection and reporting of research findings. Communication between collaborators, maintenance of, and reference to, research records, presentation and discussion of work at meetings of experts, publication of results including the important element of peer review, and the possibility that investigations will be replicated or extended by other researchers, all contribute to the intrinsically self-correcting and ethical nature of research.

The University expects those engaged in research to act in accordance with the highest standards of integrity whether they are employees, researchers, or students of the University, and irrespective of the source from which their posts or research is funded, whether this is internal or external to the University. These standards are also expected of those engaged in the setting of research priorities, and in the assessment of research.

The Committee on Standards in Public Life which was set up to make recommendations 'to ensure that the highest standards are maintained, and seen to be maintained' in key areas of public life identified higher education as one of these areas. The seven principles it articulated have relevance to best practice in the conduct of research – selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. These principles, and practices based upon them, were embodied in the Research Councils' *Statement on Safeguarding Good Scientific Practice* (2000) and *Concordat to Support Research Integrity* (2012). This Code is, in part, derived from *The Statement* and *Concordat*.

The Code is intended for:

- academics, researchers and relevant administrators employed by the University, and other individuals carrying out research at, or on behalf of, the University;
- students and their supervisors;
- any persons with honorary positions conducting research within, or on behalf of, the University;
- individuals involved in the peer review of the research process.

## 2. Principles

### 2.1. Ethical and Legal

Researchers[1] 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 aware of, and adhere to, ethical principles of veracity, respect for people and their privacy, and the avoidance of harm. Researchers must comply with the Data

1 The term 'researcher' used throughout the rest of this document includes all those persons referred to in the bullet points on page 1 for whom this Code is intended.

Protection Act (1998), the *Data Protection Policy* issued by the University, and with the appropriate codes of practice issued by their professional association. In the absence of an appropriate professional code, researchers should use the published University Ethics Policy, guidelines and procedures.

Where research procedures are of a kind requiring approval by a Faculty or School Ethics Committee, or by other safety or regulatory committees, research must not proceed without such approval.

## 2.2. Accountability

Researchers and, in particular, those named as principal investigators or grant-holders must ensure that the research they are undertaking is consistent with the terms and conditions defined by the sponsoring organisation (or covered by agreements between the University and the sponsor). This includes, but is not limited to, ensuring that the research programme carried out adheres to that defined in the original proposal to the sponsor, unless amendments have been agreed in writing; that finance is used solely for the purpose for which it was intended; that reports are accurate and timely; and that conditions relating to publication and to ownership of Intellectual Property are followed.

## 2.3. Honesty

Researchers have an obligation to achieve and maintain the highest standards of intellectual honesty in the conduct of their research. 'This applies to the whole range of research including experimental design, generating and analysing data, publishing results, and acknowledging the direct and indirect contributions of colleagues, collaborators, and others'[2].

## 2.4. Openness

While recognising the need for researchers to protect their own research interests in the process of planning their research and obtaining results, the University encourages researchers to be as open as possible in discussing their work with other researchers and the public, in accordance with the University *Open Access Publications Policy*. This is subject to exceptions in respect of Data Protection and Intellectual Property as stated in 2.7 below.

Wherever possible, researchers should:

- 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 is 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] From the Research Councils' *Statement on Safeguarding Good Scientific Practice*

## 2.7. Confidentiality

### *2.7.1. 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.

### *2.7.2. 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 Centres and Groupings

'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 University Lead for Research, the Deputy Deans, and the Deans to ensure that a climate is created which allows research to be conducted in accordance with good research practice. This includes ensuring that staff and research students are made familiar with this Code during the Centre/Group onboarding and the University researcher development sessions.[4]

Research Centres and Research Groups are designated, monitored and reviewed under the University's *Criteria for the Recognition of Research Groupings*.

Each research grouping must have a designated leader, who is responsible for adherence to this Code within it. Leaders must create a research environment of mutual co-operation and inclusivity in which all members are encouraged to develop their skills and the open exchange of ideas is fostered. They must ensure fairness in the allocation of time and resources among members, that appropriate direction of research is provided, and that research students are supervised and new researchers mentored and supervised.[5]

When in doubt about good research practice, researchers should seek help from colleagues or peers or, where they belong to a research grouping, from its leader.

The principles outlined above apply to the grant application process, the subsequent research process, and the dissemination of the research.

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[3] ibid

[4] There is a separate Code of Practice covering the supervision of research degree students (M Phil and PhD, M Prof and D Prof, and MA (by research) and MSc (by research))

[5] ibid

## 3. Procedures

### 3.1. The Grant Application Process

In conformity with the principles of openness, researchers who seek external funding for their research must not put in the same application to several funding organisations simultaneously without advising all the others of this fact.

### 3.2. Documenting Results and Storing Primary Data

#### *3.2.1. Record Keeping*

Throughout their work, researchers are required to keep clear and accurate records of the procedures followed and the results obtained, including interim results. This is necessary not only as a means of demonstrating proper research practice, but also in case questions are subsequently asked either about the conduct of the research or the results obtained.

Research data[6] must be recorded in a durable and appropriately referenced form. In cases where transcripts of interviews form the basis of the research, these should be kept as confidential according to Data Protection Act procedures, and according to any other professional protocols.

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*).

#### *3.2.2. 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 following publication. There is also an expectation from the University and many research funders that research data should be made as open as possible unless there are legal, ethical, commercial, intellectual property or other reasons not to do so.[7] .

It is the responsibility of each School or Research Centre to establish procedures appropriate to its needs for the selection, appraisal and retention of data, and for the keeping of records of data held. Deputy Deans (or those nominated responsible for research within a School) should ensure that their Schools, and the Research Centres aligned to them, have appropriate procedures in place and adhere to them.

As indicated in the University's Research Data Management Policy[8], appropriate data should be selected to preserve post-project for 10 years unless funder or legal requirements specify otherwise. Researchers should complete a data management plan at the start of their research project which would include identifying funder requirements, including indicating appropriate storage mechanisms for active research data as well as a statement regarding post-project access to data appraised, selected and archived via an appropriate mechanism (such as a data repository).[9] This archived data should be recorded by an appropriate mechanism.

A copy of the original data should be retained by the School or Research Centre in which they were generated. Appropriate back-up procedures should be in place. Researchers who leave the University

[6] Research data means without limiting the generality of the term or precluding an interpretation that may apply in a specific research field – the data, records, files, or other elements that form the basis of the main inferences, observation, findings, conclusions, outcomes, or elements of a research project or publication, irrespective of the form in which it exists (eg in print, electronic, physical, multi-media or other form).

[7] https://www.mdx.ac.uk/about-us/policies/

[8] https://www.mdx.ac.uk/about-us/policies/

[9] https://www.mdx.ac.uk/research/research-data/

within a period of 5 years of the collection of the data should ensure that the School or Research Centre where the data were generated retains a copy. Data obtained from a limited-access database or in a contracted project may not be able to be retained. In such cases, a written indication of the location of the original data, or key information the limited-access database from which it was extracted must be kept in the School or Research Centre.

The appropriate period for retaining data depends on circumstances, and the nature of the data. In some fields, importance and relevance can be superseded very rapidly. This should be considered and confirmed as part of the data management plan. Data that are selected for appraisal and archiving for long term access should be retained for a minimum of 10 years (unless the funder specifies otherwise) whereby a review process will be triggered.

## 3.3. Authorship

Different views of relative contributions can be held sincerely by contributors leading, at times, to disagreements on who should be the authors and/or the order in which they are listed. The question of authorship should be discussed at the earliest possible stage in a research project, and reviewed whenever there are changes in participation.

The minimum requirement for authorship of a publication is substantial participation in conceiving, executing, or interpreting at least part of the research reported. We adhere to the approaches of the Vancouver Protocol or *ICMJE criteria* for authorship. The criteria are:

- Substantial contributions to the conception or design of the work; or the acquisition, analysis, or interpretation of data for the work; AND
- Drafting the work or reviewing it critically for important intellectual content; AND
- Final approval of the version to be published; AND
- Agreement to be accountable for all aspects of the work in ensuring that questions related to the accuracy or integrity of any part of the work are appropriately investigated and resolved.

General supervision of a postgraduate researcher, a research group, or the collection of data do not justify authorship if all of the above criteria are not met

All persons – academic staff, students, research assistants, and others – who have made a substantial contribution to the research as defined above leading to a publication (including an electronic publication) must be given the opportunity to be included as an author of a publication deriving from that research. No person who qualifies as an author may be excluded as an author without his or her permission in writing.

Every author must ensure that others who have contributed to the work are properly recognised, for example, those who have collected data. Postgraduate students (Masters, M Phil/PhD) in particular are often relatively inexperienced in research and the allocation of authorship. Thus, where they are to be involved in a research project, postgraduate students should be provided with a written statement at the commencement of the project outlining the nature and proposed recognition of their contribution. Where this is not possible, the statement should include a reasonable time frame within which the situation will be clarified.

Where there is more than one author, one co-author (by agreement among the authors) should be nominated as executive author for the whole research output, and should take responsibility for record-keeping regarding the research output.

In the event of a dispute about authorship, or conflict between authors, the matter should be brought to the attention of the Executive lead for research.

## 3.4. Publication and Other Public Reporting of Research Findings

It is University policy that research results be published wherever possible. This is a necessary adjunct to making research results available to the public. Publication should be in a form appropriate to the discipline in which the research is carried out, and it should include peer review.

As a general rule, research findings should not be reported in the public media before they have been reported to a research audience of experts in the field, preferably by publication in peer-reviewed journals. If research is placed in the public domain before peer-review has been undertaken, the researcher and the University must make this clear in any publicity.

Where there is private reporting of research that has not been exposed to open peer-review scrutiny, especially when it is reported to prospective financial supporters, researchers have 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 avoided[10].

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.[11] 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

[10] 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.

[11] See Policy on Intellectual Property for Staff

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 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 3.2.2 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 Faculty, 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 terminate[12], a research project.

[12] Best practice is always to disclose interests before the research commences.

## Appendix 1

### Middlesex University: Code of Practice for Research

### Disclosure of Potential Conflict of Interest

*(Please submit this form to the Dean of Faculty)*

| | |
|---|---|
| Faculty | Click or tap here to enter text. |

In accordance with section 3.5 of the *Code of Practice for Research: Principles and Procedures* I make the following disclosure:

Publication/research project entitled:

| |
|---|
| Click or tap here to enter text. |

Details of potential conflict of interest, including names of people and organisations involved:

| |
|---|
| Click or tap here to enter text. |

Where the manuscript has been submitted for publication, or the project has been submitted to a funding body for funding support, have the above details been disclosed to the publisher or funding body?

| | |
|---|---|
| Yes ☐ | No ☐ |

| | |
|---|---|
| Name of publisher/funding body: | Click or tap here to enter text. |

| | |
|---|---|
| Signature: | |
| Date: | Click or tap to enter a date. |
| Name: | Click or tap here to enter text. |

# 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 allegation of research misconduct that such allegations are taken seriously within the University and in accordance with the *Whistleblowing / Confidential Reporting Policy And Procedure*

## 3. Scope

3.1 Middlesex University considers an allegation of research misconduct to be within its remit, and appropriate for consideration if it (i) concerns a member of staff, honorary staff, or student; or (ii) was committed on Middlesex University premises including the International campuses. The University will also investigate a complaint alleged to have taken place when the individual was employed or studying at Middlesex University but who has since left the University.

***Allegations against Students on Taught Degrees***

3.2 Any allegation of research misconduct made against a student on a taught degree programme (undergraduate or Masters) will be dealt with in accordance with the regulations for Academic Misconduct.

***Allegations against Research Degree Students related to their programme of study***

3.3 Allegations of plagiarism made against a research degree student of the University or of a collaborative partner (PhD/MPhil; MProf/DProf Part 2 and its special validated pathways; MA/MSc/LLM (by research)) will be investigated and handled according to the *Academic misconduct policy for Research Degree Students*. With the exception of plagiarism allegations, all other types of research misconduct allegations against students will fall under these procedures.

3.4 Other types of allegations of research misconduct will be dealt with the procedure below

***Allegations against Staff and Research Degree Students.***

3.5 Allegations of research misconduct made against a staff member (all categories) will be handled under these procedures.

3.6 Those entitled to raise concerns about research conduct are not restricted to staff members, past or present. An anonymous complaint will not normally be the basis of any proceedings but if it is of a serious nature, it will be investigated.

3.7 Middlesex University expects all external partners to conform to its principle of good practice when undertaking research in collaboration with the University's staff and students. If the University Lead for Research is made aware, either following a specific complaint or through an investigation undertaken in line with these procedures, that an external partner is suspected of research misconduct, this will be reported to the individual's employer or other relevant institution (e.g. the funding body) so that this organisation may investigate the matter according to its own procedures. The University Lead for Research will seek information on the progress of the investigation. If it transpires that research misconduct by the collaborative partner has occurred, the collaboration may be terminated, dependent on its seriousness. In the event that the collaborative partner chooses not to investigate the matter, the University Lead for Research, in consultation with senior academic staff at Middlesex University, will decide whether further collaboration with that body should be permitted.

3.8 These procedures are to be followed for allegations of research misconduct received in the context of the University's *Whistleblowing / Confidential Reporting Policy And Procedure*.

3.9 These procedures are investigatory. They do not constitute, or form part of a disciplinary process. Dependent upon the outcome of any investigation under these procedures, disciplinary proceedings may be initiated. Information gathered in the course of an investigation under these procedures may become relevant to, and therefore disclosed in, a subsequent disciplinary process (See also 9.1 and 9.7).

## 4. Definitions of Research Misconduct

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 others for the purpose of inferring personal discovery of new information;
- making use of any information in breach of a duty of confidentiality, or of an implied trust, such as that provided in a privileged way for review of a manuscript or assessment of a grant application, or in contravention of data protection requirements or of the confidentiality owed to research subjects, or in contravention of intellectual property requirements.

- misusing research findings which may result in harm to individuals, populations, animals, or the environment.

***Interference*** includes but is not limited to:

- intentionally, and without authorisation, taking, using, removing, damaging the research-related property of another researcher including, but not limited to, writings, data, apparatus, software, hardware, materials, apparatus, or intellectual property.

***Concealment*** includes but is not limited to:

- failing to declare a conflict of interest which may compromise significantly, or appear to compromise significantly, the research 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 facilitating and/or colluding in the misconduct.

***Failure to adhere to accepted research requirements and standards*** includes but is not limited to:

- failing to meet relevant legal requirements applicable to the research at issue;
- deviating in a deliberate, dangerous or negligent manner from accepted practices or agreed protocols as required by the appropriate recognised professional, academic, scientific or government bodies;
- failing to obtain ethical clearance for the carrying out of a research project, at University level, external level, or both;
- failing to follow any health and safety requirements which prevent unreasonable risk or harm to individuals, populations, animals, or the environment.

Research misconduct does not include honest error, or honest differences in the design execution, interpretation, or judgment in evaluating data or research methods. Similarly it does not include poor research unless this encompasses the intention to deceive.

## 5. Principles

5.1 Middlesex University will investigate all allegations of research misconduct fully, fairly and expeditiously. The outcome will be made known as quickly as possible to all parties with legitimate interests, and an appropriate statement will be made to the complainant.

5.2 Whilst committed to investigating all allegations thoroughly, Middlesex University recognises that it has a duty to protect all its researchers from mischievous or malicious allegations, and from allegations which are without foundation. Therefore, prior to any allegation being formally investigated, a preliminary screening as outlined in 8 below will take place.

5.3 Middlesex University's procedures for investigating allegations of research misconduct will adhere to the Research Integrity Office's Principles of Fairness, Confidentiality, Integrity, Prevention of Detriment, and Balance.

***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 procedures will be conducted as confidentially as is reasonably practicable. Confidentiality will be maintained provided this does not compromise either the investigation, or the health or safety of anyone involved in the research, or legal/contractual obligations owed to third parties (e.g. Funding bodies, collaborators). Persons who need to be informed will be advised of the confidential nature of the disclosures, and those who are Middlesex University staff will be advised that a breach of confidentiality could lead to disciplinary action.

***Integrity***: Investigations into allegations will be thorough and objective, and staff asked to undertake such investigations will ensure that their enquiries are sufficiently extensive to allow them to reach well founded conclusions/reasoned judgments on the matters they are considering, and that they pursue their enquiries honestly and objectively. Formal investigations should establish, on the balance of probabilities, the truth of any allegations. Such staff members are also required to inform the University Lead for Research at the outset of any personal interest they might have in the case or any connection they might have with the respondent. In such circumstances, the University Lead for Research shall determine whether the nature of the connection is such as to make it inappropriate for that staff member to participate in the investigation.

***No-Detriment***: This principle shall apply especially to the screening and investigation stages in that neither the complainant nor the respondent should suffer solely as a result of the allegations having been made. Those responsible for screening and investigating an allegation and the University Lead for Research shall take reasonable measures to ensure that the complainant is not victimised for having made an allegation in good faith and that the respondent does not suffer loss of reputation, or any other loss, unless and until the allegation at issue in upheld in accordance with this procedure.

Appropriate action will be taken against any person against whom an allegation of research misconduct has been upheld in accordance with this procedure; action may also be taken against any staff member of student of Middlesex University who is found to have made a reckless or malicious allegation.

***Balance***: It is acknowledged that, on occasions, a balance may need to be struck between some of the principles above. It may, for example be impracticable to conduct a thorough investigation at the preliminary screening stage without disclosing the identity of the complainant to the respondent or to a third party. Any such conflict shall be referred to the University Lead for Research for adjudication on the basis that the overriding objective of any stage of these procedures is to establish the truth.

## 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 University Lead for Research or, if the latter is absent the DVC International, and the Head of Human Resources.

6.2 The complainant who need not be either a student or staff member of Middlesex University will normally be required to provide a detailed written statement in support of the allegation, and produce in addition any supporting evidence.

6.3 An anonymous complaint will not normally be the basis of any proceedings but if it is of a serious nature, it will be investigated.

6.4 The identity of the Complainant will be kept confidential in accordance with the Principle outlined in 5.3 above. Exceptionally, if the Dean assesses that revelation of the identity of the Complainant is essential to the fairness of the proceedings, the Complainant will be asked to agree to the disclosure of his/her identity, or to withdraw the allegation.

## 7. Stages of the Procedure

7.1 There will be either one or two stages to an enquiry into an allegation of research misconduct:

- a Screening Stage to ascertain whether or not there is a case which requires more thorough investigation;
- a Formal Investigation Stage in the event that the screening stage concludes that the matter requires more thorough investigation.

7.2 Prior to the outcome of the Screening Stage, it is not expected that the Dean or any other person will take any action on the allegations. Exceptionally, in cases where there is a clear risk to individuals or the potential for evidence to be destroyed, the Dean in consultation with the University Lead for Research and, where the allegation is against a staff member, a senior manager in Human Resources, may take action following careful assessment of the consequences. The Dean will record the reasons for taking such actions and communicate them to all relevant parties. The Dean will assure the Respondent that the action is not part of a disciplinary procedure and does not indicate that the allegations are believed to be true by the University prior to proper investigation.

## 8. Screening Stage

8.1 The Dean will, as soon as is practicable, appoint 3 persons to screen the allegations (the Screeners), one of whom will be Chair. The Screening Panel will normally be senior members of academic staff and shall be drawn from the School concerned. They must have no personal interest in the allegation, and must be 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 University Lead for Research.

8.7 If the Screeners assess that the allegations fall into the first category, the University Lead for Research 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 University Lead for Research, 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.

8.9 If the Screeners assess that the allegations fall into the second category, the University Lead for Research will ask the Dean to put in place appropriate support, training, or other measures, as appropriate.

8.10 If the Screeners assess that the allegation fall into the third category, the University Lead for Research shall dismiss the allegation, and subject to 8.11 below, no further action will be taken.

8.11 It is expected that the University Lead for Research will normally accept the recommendation of the Screeners. Nevertheless, it is open to the University Lead for Research, 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.

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

8.13 The University Lead for Research 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.

8.14 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 University Lead for Research for consideration under the Screening Stage. Should there be others involved who fall outside the scope of these procedures (3.1 above), the University Lead for Research 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 University Lead for Research 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 University Lead for Research 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 need not be so. Where the Respondent or Complainant or Witness chooses a Representative, he/she will inform the Panel Secretary of the name of the Representative as soon as the latter has agreed to act in this capacity.

The Formal Investigation Panel will keep minutes/reports of all interviews and meetings. It may opt to record all its proceedings?

9.6 Where possible, the Formal Investigation Panel will complete its work within 60 days of its establishment and submit a report to the University Lead for Research. The report will state what evidence was reviewed, summarise relevant interviews, and draw conclusions on the issue of the alleged research misconduct. It should indicate whether or not it finds the allegation proven, in whole or in part, and give reasons for its conclusions.

9.7 It will be open to the Formal Investigation Panel to make recommendations in its report both to rectify any misconduct found and to preserve the good name of the University. These may include (i) informing funding, regulatory, and/or collaborative organisations of the research misconduct; (ii) reviewing the University's policies to prevent the future occurrence of such instances of research misconduct, (iii) setting up appropriate training programmes.

The Formal Investigation Panel may choose to suggest specific measures/sanctions against the Respondent (in cases where it finds the allegation proven). Where the Respondent is a staff member such suggested measures/sanctions will not be imposed without due consideration by Human Resources and as part of a disciplinary procedure (see also 3.6 and 9.1).

9.8 The Secretary of the Formal Investigation Panel will give both the Respondent and the Complainant copies of the Report and evidence considered by the Panel.

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 University Lead for Research for consideration under the initial Screening Stage. Should there be others involved who fall outside the scope of these procedures (3.1 above), the University Lead for Research 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 University Lead for Research will normally accept the recommendation of the Formal Investigation Panel. Nevertheless, it is open to the University Lead for Research, 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 University Lead for Research 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.

**JM**

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