

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

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 *Statement on Safeguarding Good Scientific Practice* (2000) and *Concordat to Support Research Integrity*

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 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 *Conflict of Interest and Commitment Policy* (HRPS35) and the procedure to be followed.

2.9 Leadership, and Organisation in Research Groups

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.

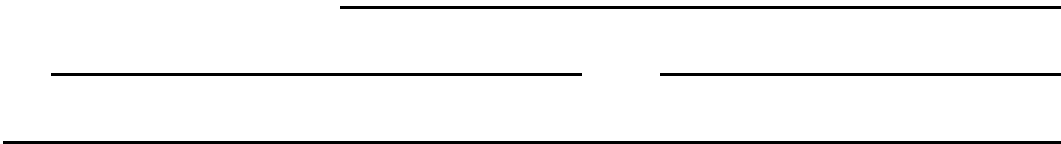
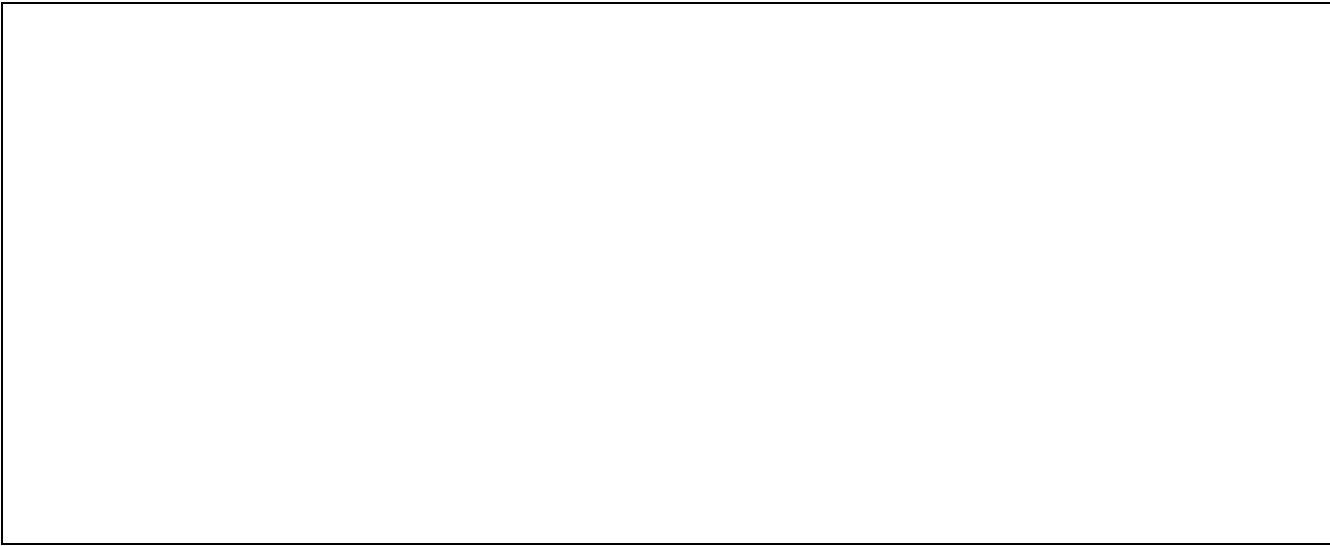
Conflicts of interest can also occur in cases where a researcher (or their spouse or dependent) has a financial interest (equity, directorship, consultancy) in the funding agency being paid from the grant fund, or where the terms of a new grant from a funding body require disclosure of project data from 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

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.



3.2 Any allegation of research u0 12 10s3 (s)TjS3i.oh60y0 0 595.32 841C2 841c.9 758.64 Tm[

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.

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

- 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 DVC Academic 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

- (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

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 DVC Academic. The report will state what evidence was 3 (let)-Ad2 (s-3 (e)-3 (r h)7 (a)-3 (s a)4 (2reW*nBT/TTe)-3
