

RESEARCH CODE OF PRACTICE

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Version 2.2

Contents

1. INTRODUCTION AND SCOPE	2
2. AIMS OF THE RESEARCH CODE OF PRACTICE	3
3. THE DEFINITION OF "RESEARCH"	3
4. THE NATURE AND SCOPE OF RESEARCH INTEGRITY	4
5. INDEPENDENCE OF JUDGEMENT AND ACADEMIC FREEDOM	4
6. DATA PROTECTION	6
7. PROTECTING AUTHENTICITY	7
8. PUBLICATION	8
9. AUTHORSHIP	9
10. INTELLECTUAL PROPERTY	10
11. SOURCES OF RESEARCH FUNDING	13
12. RESEARCH MISCONDUCT	15
13. ALLEGATIONS OF RESEARCH MISCONDUCT	16
14. UNIVERSITY POLICIES	17
APPENDIX 1	19
TIMESCALES	22
ANNEX 1	23

1. **INTRODUCTION AND SCOPE**

1.1 “From our foundation as a ‘place of useful learning’, we take it as our responsibility to research, teach and be of benefit to society – to reach outside the University to make the world better educated, prosperous, healthy, fair and secure.”

University Strategic Plan 2015-2020.

1.2 As a recipient of public funding to pursue the research of which the Plan speaks, the University must have the confidence of both the general public and those organisations responsible for funding specific research projects. This code of research practice defines the standards to which the University expects researchers should aspire and those which they would be expected to attain. It also identifies the relevant procedures for the investigation and resolution of allegations of misconduct.

1.3 Subject to Clause 1.3 below, this Research Code of Practice (the “Code”) applies to and should be observed by the following individuals:-

- i. University staff (whether holding employment or worker contracts);
- ii. registered University students;
- iii. individuals who do not fall within (i) and (ii) above but who are otherwise associated with the University and are authorised to use the University’s name facilities and/or services when engaging in research activities (such persons would include, for example, those holding visiting, honorary or emeritus status).

All of the above shall be referred to as “Researchers” in the Code.

1.4 Parts of Clause 10 and Clause 12 of the Code have their own scope and do not apply to Researchers as defined above. The applicability of these Clauses is defined therein.

1.5 The University fully supports the UUK Concordat to Support Research Integrity (2012)¹. The RCUK Policy and Guidelines on Governance of Good Research Conduct (Updated July 2015)², the Singapore Statement on Research Integrity (2010)³, the European Code of Conduct for Research Integrity (2011)⁴, the UK Research Integrity Office Code of

¹ <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/research-concordat.aspx>

² <http://www.rcuk.ac.uk/Publications/researchers/grc>

³ <http://www.singaporestatement.org/index.html>

⁴ <http://www.ukrio.org/european-science-foundation-the-european-code-of-conduct-for-research-integrity/>

Practice for Research: Promoting good practice and preventing misconduct (2009)⁵ and the Concordat on Open Research Data (2016)⁶ may be considered in addition to the Code, and were drawn on in the creation of this code, for guidance on the governance of research conduct at the University. Researchers should be aware that research funders may have their own codes of research practice and/or integrity and that acceptance of funding constitutes agreement to these codes unless otherwise stated.

2. AIMS OF THE RESEARCH CODE OF PRACTICE

- 2.1 The chief aim of this Code is to promote excellence in research practice and the production and dissemination of research of the highest quality across the whole University. This is set against the obligation on the University to promote good research in the unbiased pursuit of knowledge, which is ultimately directed at improving the well-being of society.
- 2.2 The Code also exists to offer Researchers general guidance on the appropriate conduct of research when that research is undertaken by them using the University's name, facilities and/or services. Within the Code there are some mandatory elements. As far as possible, these items have been identified clearly within the text.
- 2.3 In relation to non-mandatory elements of the Code: only in exceptional circumstances may a different arrangement and protocol be followed, where this has been agreed directly, and in advance, with the Associate Principal responsible for Research and, in appropriate circumstances, Research & Knowledge Exchange Services ("RKES").

3. THE DEFINITION OF "RESEARCH"

- 3.1 For the purposes of this Code the definition of "research" is as set out in the "REF2014 assessment framework and guidance on submissions"⁷, issued in February 2012 by the Higher Education Funding Council for England:
"Research' is defined as a process of investigation leading to new insights effectively shared".

⁵ <http://www.ukrio.org/publications/code-of-practice-for-research/>

⁶ <http://www.rcuk.ac.uk/documents/documents/concordatonopenresearchdata-pdf/>

⁷ http://www.hefce.ac.uk/pubs/circlets/2010/cl04_10/cl04_10a.pdf

4. THE NATURE AND SCOPE OF RESEARCH INTEGRITY

- 4.1 The UUK Concordat to Support Research Integrity (henceforth known as ‘The Concordat’) defines research integrity via four core elements: honesty; rigour; transparency and open communication; and care and respect. The Concordat states that these elements are ‘the values through which trust and confidence in research stem, and from which the value and benefits of research flow.’
- 4.2 The Concordat specifies that researchers are duty-bound to society, their profession, the University and the funders of the research, to accept responsibility for the integrity of their own conduct of research, for the activities of staff and students under their supervision, and for making best efforts to provide value in return for public or private funds invested in research projects. These best efforts also extend to ensuring the effective management of any agreed timetable for individual projects, including the timely provision of reports or other agreed deliverables. The frameworks that regulate research practice will change over time and researchers have a responsibility to ensure they have an up-to-date knowledge of those that apply to their work.
- 4.3 The University has established procedures relating to the protection of humans and animals in research, which should be adhered to by Researchers engaged in such activity. In line with this the University has an agreed Code of Practice on Investigations Involving Human Beings underpinned by the University Ethics Committee and also has the University’s Animal Welfare and Ethical Review Body (AWERB). Research undertaken at the University must be subjected to the relevant checks and principles. Please contact RKES for further details if appropriate.
- 4.4 Where research is being conducted collaboratively, and particularly within interdisciplinary or international partnerships, there needs to be clear agreement on and articulation of the standards and frameworks that will apply to the work. The European Code of Conduct for Research Integrity provides helpful advice.

5. INDEPENDENCE OF JUDGEMENT AND ACADEMIC FREEDOM

- 5.1 It is recognised within the University’s Charter that Researchers engaged to teach, carry out research or provide learning have freedom within the law (“academic freedom”) both

to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without putting themselves at risk of losing their jobs, or any privileges which they may enjoy at the University, by virtue of such ideas or opinions. Researchers who are engaged to conduct research comprise a body capable of giving an authoritative opinion on a range of academic subjects and deemed to be trustworthy in terms of the independence of its judgement. The value placed by society on academic independence is reflected in a willingness to give relevant Researchers special protection against the jeopardy in which they might otherwise be put by the expression of unorthodox, unfashionable, or controversial views (but not unlawful), provided such views are the end result of adherence to appropriate standards of procedure, evidence and proof shared by the academic community of which the Researcher is a member. This Code recognises that academic freedom is necessary to ensure the integrity of research. As a result, the views expressed by researchers in their outputs may not be the views of the University.

- 5.2 Researchers may also study areas or topics that lead them to explore and/or collect research material of a sensitive or controversial nature including but not limited to terrorism, military and cyber security. Researchers may also undertake methods of research that are controversial or sensitive including research involving humans, animals, surveillance and infiltration. University of Strathclyde supports its researchers in undertaking legitimate research of this nature and provides protective processes to ensure that this research is not unnecessarily disrupted through unwarranted attention⁸.
- 5.3 It should be noted that Researchers who are engaged to conduct research are not protected from the normal constraints of the law by appeal to academic freedom as such. The right of academic freedom is balanced by the obligation to use that freedom responsibly and professionally. It is the ethical responsibility of Researchers to recognise and acknowledge the scope of their professional competence and not offer interpretations of data which trespass beyond the limits of that expertise without signalling the lay status of such statements. Not to respect such a distinction is laying false claims to expertise, which is an ethical abuse and could lead to disciplinary procedure (by the University as employer) and possibly litigation (by the funder).

⁸ <http://www.strath.ac.uk/research/integrity>

- 5.4 It should further be noted that researchers have a responsibility to declare conflicts of interest at the outset of any research. Failure to declare a conflict of interest can lead to research misconduct stemming from issues such as undeclared financial gain, non-competitive procurement or suspect employment arrangements. The University's Code of Practice on Conflicts of Interest⁹ should be consulted for further information.
- 5.5 When undertaking work for external funders, especially those funders of a commercial nature, Researchers must understand the constraints placed on them by the specific terms and conditions governing the research, to which the University has agreed. Such terms and conditions may vary but usually include restrictions to prevent commercially valuable information being leaked into the public domain before steps necessary to protect intellectual property, such as patenting, are taken. Commercially valuable information should not be leaked into the public domain by any method, whether via publication, open data, or other means. In addition, the University's insurance conditions and safety requirements need to be met. Occupational Health, Safety & Wellbeing are responsible for and advise upon occupational health, safety and wellbeing, and Insurance Services (Finance Directorate) on insurance.
- 5.6 As a rule, the University will endeavour to keep delays that can lead to the temporary withholding of publication of findings or research data to a minimum.
- 5.7 It is a mandate of the University Court that RKES sign all research contracts for the University. Researchers may secure further advice on this requirement from RKES.

6. DATA PROTECTION

- 6.1 Research data which relates to identifiable living individuals must be processed in accordance with data protection legislation. Appropriate technical and organisational measures must be taken to ensure that data is protected and that individuals' privacy rights are not breached. If you are undertaking research involving identifiable living individuals you should ensure that you do so in accordance with data protection

⁹ http://www.strath.ac.uk/media/ps/cs/gmap/academicaffairs/publications/Code_of_Practice_-_Conflicts_of_Interest.pdf

legislation, the University's Data Protection Policy¹⁰ and the University's Code of Practice Involving Human Beings¹¹.

7. PROTECTING AUTHENTICITY

- 7.1 There should always be a robust and reliable audit trail, which can be followed to establish the authenticity of any discovery or invention and to defend the results of genuine research endeavour. Not only is this important in the case of scientific developments but also in respect of research that might lead to a Researcher drawing conclusions that are controversial in the academic and public arenas of the day (particularly in ethical, political, economic and legal terms). The authenticity of records, their provenance and date, should therefore be defensible, both to support claims of originality and scientific priority and in the interests of protecting both research integrity and the inventorship and resulting ownership of intellectual property.
- 7.2 The need to protect authenticity puts a serious obligation on the Researcher to maintain records in a state in which these records can be investigated and understood by anyone with a legitimate right to enquire.
- 7.3 The original records of primary research should be retained securely at the University. If a Researcher subsequently moves to a position outwith the University these records will be retained by the University and will be available to the Researcher to use and to copy if appropriate. Under any circumstances, all confidentiality or legally binding agreements that were in place at the time of undertaking the research, or subsequently agreed in the event of commercialisation, will remain unaffected, all other things being equal.
- 7.4 Further guidance on recommended procedure to ensure that best practice is implemented in recording and documenting research can be found in Research data policy¹²
Records Management Policy and associated guidance¹³
Guidance on "Documenting and Recording Research"¹⁴

¹⁰ www.strath.ac.uk/dataprotection

¹¹ https://www.strath.ac.uk/media/ps/rkes/Code_of_Practice_eighth_Feb17.pdf

¹² <http://www.strath.ac.uk/staff/policies/> NOTE: this is an open webpage available to all

¹³ <http://www.strath.ac.uk/foi/recordsmanagement/>

¹⁴ Note to Senate: a link will be provided to this new document which is not yet online.

8. **PUBLICATION**

- 8.1 Academic freedom includes a Researcher's right to publish any evidence that has been established by the use of (scientifically) acceptable and replicable research methods. The dissemination of academic findings, be it through research publication, conference presentations, electronic submission on the World Wide Web, or other standard means, is a fundamental function of the University. Furthermore, it is the duty of Researchers to publish the results of their research endeavours. This activity not only benefits Researchers individually, but also the University collectively and the society we live in. Publications are one of the criteria against which academics are judged by their peers, and by which participating academic departments are judged in exercises such as the Research Excellence Framework¹⁵.
- 8.2 Ethical considerations apply to publications produced by the University and the University's reputation is dependent upon the ethical standards Researchers maintain and are seen to maintain in their publications. Moreover, academic freedom is a benefit largely funded from public money. The work of Researchers finds its most public expression in publication and teaching, and the quality of their ethical performance is thus at its most exposed in those activities.
- 8.3 The University expects Researchers to make the research data they collect and generate openly and freely available for use by others wherever possible in a manner consistent with relevant legal, ethical and regulatory frameworks. The decision to share research data must be considered carefully; there are many important reasons for restricting access to data, including, but not limited to: if sharing would breach confidentiality, invade personal privacy, breach agreements made with commercial partners, invalidate patenting opportunities, or create a security risk. Conversely it is also important that any restrictions on data sharing are justified, particularly where funder or publisher policies expect data to be made as openly and freely available as possible. The University's Research Data Policy and Research Data Deposit Policy¹⁶ should be adhered to by any researchers working with Research Data. Advice in relation to

¹⁵ The Research Excellence Framework is the system for assessing the quality of research in UK higher education institutions.

¹⁶ Both available at <http://www.strath.ac.uk/staff/policies/>

research data management can be sought from RKES.

- 8.4 The University also has expectations with regard to the process of publications made on the basis of research. This includes an obligation on Researchers to acknowledge funders when publishing research outputs unless the funder specifically contraindicates this practice. These expectations are laid out in the guidance on publications.¹⁷

9. **AUTHORSHIP**

- 9.1 Guidelines on authorship are provided by the International Committee of Medical Journal Editors (ICMJE).¹⁸ These guidelines state:

“authorship should be based on the following 4 criteria:

- 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 revising 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.

- 9.2 In addition to being accountable for the parts of the work he or she has done, an author should be able to identify which co-authors are responsible for specific other parts of the work. In addition, authors should have confidence in the integrity of the contributions of their co-authors. All those designated as authors should meet all four criteria for authorship, and all who meet the four criteria should be identified as authors.

- 9.3 The ethical obligation to recognise the work of others who do not merit authorship can be realised via acknowledgements (i.e. of technical, financial, material or other support) or citation (to give due recognition to external sources of information and/or publications drawn on). The ICMJE recommends:

¹⁷ <https://moss.strath.ac.uk/rkesportal/Research/ref/SiteAssets/SitePages/Outputs/DRAMS-Strathclyde-publication-policy-final.pdf>

¹⁸ <http://www.icmje.org/recommendations/browse/roles-and-responsibilities/defining-the-role-of-authors-and-contributors.html>

“Those whose contributions do not justify authorship may be acknowledged individually or together as a group under a single heading and their contributions should be specified. Because acknowledgment may imply endorsement by acknowledged individuals of a study’s data and conclusions, editors are advised to require that the corresponding author obtain written permission to be acknowledged from all acknowledged individuals.”

- 9.4 Honorary authorship, which is authorship “given to an individual despite a lack of substantial contributions to a research project”,¹⁹ including gift, guest and coercive authorship, is unacceptable and considered a form of research misconduct.

10. **INTELLECTUAL PROPERTY**

EMPLOYEES

The University owns all the intellectual property created by its staff as part of their normal duties or as a result of duties specifically assigned to them by the University – all as set out in the Patents Act 1977 and the Copyright, Designs and Patent Act 1988. Intellectual property includes copyright, design right, trademarks, registered designs and patents.

- 10.1 As part of their duties, the University expects Researchers to publish their research findings in academic journals and the like. However, under certain circumstances, research findings should not be published without first speaking with RKES. These are as follows:
- (i) disclosure of information (including information of a commercially sensitive nature) related to, generated or disclosed in the course of certain funded research projects may result in a breach of the funding contract. Advice should always be sought from the relevant Contracts Manager in RKES who helped to negotiate the contract, to ascertain whether such information can be disclosed;
 - (ii) where there is commercial value in a Researcher’s research findings, such findings must be kept confidential and not disclosed prior to a patent being filed. Open

¹⁹ <http://www.aje.com/en/arc/ethics-manuscript-authorship/>

publication of any concept before a patent application has been filed constitutes a disclosure and can harm the patentability of inventions based on that concept. Similarly, disclosure of any novel process or idea to a potential funder, without the necessary contractual safeguard of a Confidentiality Agreement being signed by both parties prior to disclosure, can also constitute disclosure. In order to protect the University's intellectual property it is essential that staff consult with RKES before making disclosure of potentially valuable intellectual property. RKES has processes in place to assist Researchers with protection of inventions with commercial potential.

- 10.2 The University operates a royalty sharing arrangement with the inventor or inventors of intellectual property that is successfully commercialised by the University either by way of third-party licence or spin- out formation. Such arrangements are enshrined in the University Court Minutes 1321, and 1675 as appended at Annex 1 to the Code (the "Court Minute").
- 10.3 Copyright is an intellectual property right that protects the expression of ideas or information and which subsists, inter alia, in the following descriptions of work:
- 10.4.1 Original literary, dramatic, musical or artistic works.
 - 10.4.2 Sound recordings, films, broadcasts or cable programmes.
 - 10.4.3 The typographical arrangement of published editions.²⁰
- Databases are treated as a class of literary work under 10.4.1 above.
- 10.4 Unlike patent protection, copyright is an automatic right which does not have to be applied for. Copyright protects your work and stops others from using it without the owner's permission. The same rule, which applies to patents, applies to copyright: if the work in which the copyright subsists was generated by an employee in the course of his/her employment, copyright is vested in the University and not the individual. However, the University customarily waives its rights to ownership of copyright in instances of books, articles and publications prepared by members of staff. Members of staff are therefore not required to ask permission from the University to assign such copyright while submitting work for publication, except in exceptional cases where

²⁰ S1(1) of the Copyright, Designs and Patents Act 1988.

publication may compromise other possible significant exploitation strategies. The University may in certain circumstances assert its rights of ownership of certain copyright e.g. computer software, databases, multi-media materials, written teaching and learning materials.

STUDENTS

- 10.5 It is important to note that the restrictions binding the employee to the University, and ensuring that intellectual property generated in the circumstances described above vests in the University, do not apply to students.
- 10.6 As of 1 October 2016 the University has required assignation of Commercially Exploitable IP²¹ by all Postgraduate Research Students to the University as a condition of registration. This is set out in the Policy and Code of Practice for PGR Study.²² This approach is subject to the provision of an appropriate exclusions policy to take account of those circumstances in which such assignation is precluded – for example, some Postgraduate Research Students will be directly funded by certain organisations where such organisation automatically owns any intellectual property created.
- 10.7 It is the case, however, that other members of the student body might be engaged in research activity, for example as part of an undergraduate or taught masters dissertation project. These students own the intellectual property they generate in the course of their studies and research activities at the University. It is therefore of paramount importance, when involving a student (other than Postgraduate Research Students) on a research project likely to generate intellectual property of commercial importance and/or importance to the supervisor's future research plans, for the supervisor (in discussion with the Responsible Person²³ in the Faculty or Department and using the services of the contracts team in RKES) to ensure that the student assigns his/her intellectual rights to the University before their formal involvement in the project commences. This is of particular concern in instances where a student is working on a project funded by a third

²¹ The results of research work which has the potential for commercial exploitation (for example patentable intellectual property, protectable design rights or copyright in developed software).

²²http://www.strath.ac.uk/media/ps/cs/gmap/academicaffairs/policies/Policy_and_Code_of_Practice_for_Postgraduate_Research_Study.pdf

²³ The term Responsible Person is used to mean the Head of Department/School or relevant Vice-Dean of the Faculty, as appropriate. See the Policy and Code of Practice for Postgraduate Research Study, referenced in the previous note.

party. Unless the University formally has the student agree to abide by the contractual terms that the University has entered into with the third party, in relation to such issues as confidentiality and ownership of intellectual property, the University could find itself in breach of contract.

- 10.8 The University strives to be fair in its treatment of students who are associated with potentially commercially valuable projects. In view of this, it is the responsibility of the Faculty or Department to ensure that students are made aware of their rights and privileges at the time of assigning their rights to the University. In addition, it is the supervisor's responsibility to ensure that their own students are appropriately informed about the detail of the University's regulations and practice in this regard. This includes giving information on a student's entitlement, as an inventor, to the same royalty sharing arrangement for which the Court Minute 1321 makes provision.
- 10.9 Help on all aspects of protection and exploitation of intellectual property can be provided by RKES. The University's Information Governance and Compliance Manager is available to give assistance on the issue of copyright in relation to materials made available on the internet, and on the process of securing third-party consents for the use of proprietary material within multi-media applications.

11. SOURCES OF RESEARCH FUNDING

- 11.1 Researchers should exercise great care to ensure that the University's public and professional reputation is not jeopardised. In the area of academic research this is achieved, at the most fundamental level, by not entering into research agreements with individuals or groups who are engaged in illegal activities. The ethical propriety of all sources of research support and engagement must be assured (as far as possible) before any agreement to undertake a research project for a funder or to license University intellectual property is reached and confirmed. Advice on legal issues associated with this matter may be secured from RKES. Advice with respect to other ethical concerns should be sought from the Associate Principal responsible for Research.
- 11.2 It is not always easy to assess every aspect of a research contract before the project begins. However, it is important for the University to be assured that the motive of the

funder of a research project, in wishing the project to be undertaken, is not suspect; e.g. that they do not wish simply to promote the sale of an item that the University has already agreed it should not like to promote, for example tobacco²⁴. It is acknowledged that motives can be hard to assess, particularly in cases of potential dual-usage (i.e. for either good or bad purposes) of a resultant product. In view of this, the University will assess the motives of a potential funder in the light of the generally accepted ethical norms of the day and be satisfied that they are being asked to undertake a piece of ethically justifiable research. At minimum, the University will ensure that:

- (a) the motives of an individual/group who wishes particular research to be conducted on their behalf, are understood and acceptable; and
- (b) there is a reasonable basis for the publication of research results contained in the proposal (it might be deemed suspect, for example, if a company wishes to suppress publication of the results of any genuine research enquiry for an unreasonably lengthy period other than an agreed period for commercial reasons).

11.3 There is a duty of disclosure on all Researchers to reveal any material fact that might influence the University's wish to become associated with a particular research project, or to continue an association with a project that is already underway. Where a Researcher has any such concern, this should be reported to the Head of Department/School within which the research project is being conducted and to RKES if negotiations are under way with a potential funder or if an Agreement has been signed with the funder. Any decision of the University to terminate an ongoing project could be a breach of contract, and the University could be liable for certain losses upon termination.

11.4 When Researchers are collaborating with other laboratories, or where animal facilities are provided by outside bodies, they should satisfy themselves that welfare standards are consistent with the principles of UK legislation, the Animals (Scientific Procedures) Act 1986 (ASPA),²⁵ revised in the light of European Directive 2010/63/EU on the protection of animals used for scientific purposes. The revised legislation came into force

²⁴ see UniversitiesUK.ac.uk for policy on tobacco funding.

²⁵ <https://www.gov.uk/government/publications/consolidated-version-of-aspa-1986>

on 1 January 2013. They should also notify the University's Animal Welfare and Ethical Review Body (AWERB)²⁶. International research should also be compliant with all relevant national and local regulatory systems in the host country where the work is conducted.

11.5 In summary, the following should be taken into account by Researchers when they are considering undertaking research for an external funder:

11.5.1 There should be no conflict of interest with University activity at any level (for more information see the University's Code of Practice on Conflicts of Interest²⁷)

11.5.2 Research should not be undertaken that is knowingly (at the time the agreement was being negotiated and confirmed) supported by resources secured illegally.

11.5.3 The reasons why a particular research project is being requested should be ethically justifiable.

11.5.4 Linked to 11.5.3 above, care should be taken if the results of the research to be conducted are going to be restricted by the funder for other than an agreed period for commercial reasons.

11.5.5 Researchers should consult the Foreign and Commonwealth Office's ("FCO") website, in the section "Sanctions, Embargoes and Restrictions". In the event that the proposed project involves a country from the FCO's published list, the Researcher should consult RKES. The decision on whether or not to proceed with a research project will then be taken by the Associate Principal responsible for Research, based on compliance with the FCO guidance and/or an overall assessment of all risks.

12. **RESEARCH MISCONDUCT**

12.1 The Concordat to Support Research Integrity states that
"Research misconduct is characterised as behaviour or actions that fall short of the standards of ethics, research and scholarship required to ensure that the integrity of research is upheld."

²⁶ Contact RKES for further details if appropriate

²⁷ http://www.strath.ac.uk/media/ps/comms/documents/Code_of_Practice_-_Conflicts_of_Interest.pdf

12.2 The preceding sections of this Code provide general, non-exhaustive, guidance on such standards. In addition to ‘Honorary authorship’ identified in 8.2 the concordat details five further examples of research misconduct which are largely quoted below:

12.2.1 “Fabrication: making up results or other outputs (e.g. artefacts) and presenting them as if they were real”

12.2.2 “Falsification: manipulating research processes or changing or omitting data without good cause”

12.2.3 Plagiarism, as defined by University’s document Good Academic Practice and the Avoidance of Plagiarism Guidelines for Students, “is the unacknowledged use of another person’s work or ideas, whether intentionally or unintentionally, and is a form of intellectual theft”²⁸.

12.2.4 “failure to meet ethical, legal and professional obligations: for example failure to declare competing interests; misrepresentation of involvement or authorship; misrepresentation of interests; breach of confidentiality; lack of informed consent; misuse of personal data; and abuse of research subjects or materials “

12.2.5 “improper dealing with allegations of misconduct: failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistleblowers.”

12.3 The ultimate responsibility for avoiding research misconduct rests with the Researcher, be that person a member of the academic staff or a student, either of the University of Strathclyde or a collaborating institution. This is notwithstanding the duty of care that rests with academic supervisors/principal investigators for the staff and students working with them on a project, which extends to the provision of information and advice on acceptable ethical practices and standards in the conduct of research.

13. ALLEGATIONS OF RESEARCH MISCONDUCT

13.1 Any allegation of research misconduct involving a researcher at University of Strathclyde is treated as a serious matter and is investigated according to the processes outlined in subsequent clauses.

²⁸ http://www.strath.ac.uk/media/ps/cs/gmap/plagiarism/plagiarism_student_booklet.pdf

- 13.2 Allegations of research misconduct concerning registered University students will be considered under the terms of the University's "Policy and Procedure on Dealing with Instances of Possible Academic Dishonesty by Students" (as approved by Senate in 2009).²⁹
- 13.3 Allegations of research misconduct concerning University staff will be investigated according to the process described in Appendix 1 of this Code.
- 13.4 Allegations of research misconduct concerning any individual with visiting, honorary or emeritus status at the University should be addressed in writing to the relevant Dean who will undertake an initial assessment of the allegations, confidentially undertaking informal enquiries as necessary to clarify the nature of the allegations. The Dean may delegate the undertaking of informal enquiries, ensuring that such input avoids conflicts of interest and provides an appropriate level of expertise in the scientific area. As those with visiting, honorary or emeritus status are not University employees, workers or registered students, the process for any further investigation required and for determining subsequent actions will be determined on a case-by-case basis by the relevant Dean.
- 13.5 The University also has a Public Interest Disclosure Policy³⁰ which can be invoked in certain circumstances and under which an investigation may be carried out to determine if any impropriety or breach of University regulations has occurred.

14. UNIVERSITY POLICIES

- 14.1 The University has issued various relevant policies, codes of practice and procedures which can be found at: <http://www.strath.ac.uk/staff/policies/>

September 2017

²⁹http://www.strath.ac.uk/media/ps/cs/gmap/academicaffairs/policies/20130801_AcademicDishonestyGuidance_v2.0.pdf

³⁰ <http://www.strath.ac.uk/staff/policies/>

APPENDIX 1

Process for Investigating Allegations of Research Misconduct

Allegations of research misconduct concerning University staff should be made to the Associate Principal responsible for research (“the Senior Officer”) who will act in accordance with the process laid out below. The process for handling of allegations of misconduct involving Postgraduate Research Students is laid out in the University’s Guidance on Academic Dishonesty.³¹

Initial Response

As per the guidance in the UKRIO Procedure for The Investigation of Misconduct in Research, August 2008, allegations reported to the Associate Principal that are not considered to be serious in nature might be resolved by informal discussion, training and guidance, and/or arbitration and/or dispute resolution, without the requirement for a formal investigation. The Associate Principal may delegate this work to Faculty or Departmental level as appropriate.

Preliminary Stage

Allegations of research misconduct concerning University staff should be reported, in writing, to the Senior Officer responsible for research.

On receipt of such allegations, the Senior Officer will consult with the Research Standards Advisory Group (RSAG) to come to a preliminary view on the following:

- (i) Whether the nature of the allegations are such that they could legitimately be considered as related to research misconduct as defined under the University’s Research Code of Practice.
- (ii) Whether the allegations are of a frivolous, vexatious or malicious nature, or have been subject to earlier investigation through an alternative process (e.g. the Staff Grievance Procedure).
- (iii) Whether the allegations are relatively minor and can be dealt with through training and guidance.
- (iv) Whether an evidential basis exists for the allegations.

The Research Standards Advisory Group will comprise:

³¹www.strath.ac.uk/media/ps/cs/gmap/academicaffairs/policies/20130801_AcademicDishonestyGuidance_v2.0.pdf

- The Senior Officer responsible for research (or nominee)
- The Director of RKES (or nominee)
- The Director of HR (or nominee)
- The Executive Dean from the relevant Faculty (or nominee)

The RSAG may at this stage need to seek further documentary evidence from the relevant Faculty and/or Professional Services. The RSAG should advise the respondent that an allegation has been made and the nature of this allegation and invite the submission of any evidence that might provide further insight in the circumstances surrounding the allegation. They may, in exceptional circumstances, request an initial meeting with the complainant and/or respondent.

The Research Standards Advisory Group may take the following actions at this stage:

- (a) Where the nature of the allegations is not considered to meet the definition of research misconduct, the RSAG may refer to an alternative process such as the Staff Grievance or Disciplinary procedures.
- (b) Where the allegations are considered to be of a frivolous, vexatious or malicious nature or where there is no evidence to substantiate the claims, the RSAG may confirm to the complainant that the matter will not be investigated with reference to the relevant policy where appropriate.
- (c) Where all three criteria above are met the RSAG will refer the matter to Stage 1 below and appoint an Investigating Officer(s).
- (d) For allegations that have any relation to RCUK, the Director of RKES will make arrangement to report the allegations to RCUK at the conclusion of the preliminary stage where the recommendation is to move to a Stage 1 investigation.
- (e) Where the allegation refers to an ongoing project with a different funder, then the Director of RKES should consider whether it is appropriate to inform them at this stage, or to wait until the outcome of Stage 2.
- (f) Arrangements will be made to advise both the Complainant and Respondent of the next steps.

Stage 1

The RSAG will appoint an Investigating Officer who will be supported in conducting the investigation by a member of the HR team. Exceptionally, in very serious and/or complex cases the RSAG may appoint a small panel to undertake the investigation at Stage 1.

Stage 1 Investigation Officer to meet with complainant(s) and respondent(s) and review documentary evidence. Where appropriate the Investigation Team will meet with other relevant internal colleagues who may be able to input further evidence to the investigatory process and, exceptionally, external parties where relevant.

The Stage 1 Investigating Officer will draft a report of the findings from the investigation and may make the following recommendations to the Senior Officer at this stage:

- (i) On further investigation the nature of the allegations are not considered to meet the definition of research misconduct and the investigation should be referred to an alternative process such as the disciplinary process.
- (ii) On further investigation the allegations are considered to be of a frivolous, vexatious or malicious nature and the complainant may be investigated for potential misconduct.
- (iii) On further investigation, the allegations should be dismissed.
- (iv) On further investigation, the allegations should be upheld or partially upheld, but are of a sufficiently minor nature as could be addressed via education, training and supervision.
- (v) An evidential basis for research misconduct has been found by the Investigating Officer(s) and it is recommended that a Stage 2 process considers the matter further.

The Senior Officer will consider the findings of the Investigation Officer and determine the appropriateness of the recommendations made.

Stage 2

Where the Stage 1 Investigation Officer has made a recommendation that there is sufficient evidence that research misconduct has taken place this should be referred to the Research Standards Advisory Group (RSAG) for further consideration. The RSAG may at this stage choose to engage with internal or external discipline specialists to assist them in their deliberations.

During Stage 2 RSAG will undertake the following activity:

- (i) A review of the evidence presented by the Investigation Officer in Stage 1 and whether this is sufficient to come to a judgement on the case.
- (ii) Where the evidence is deemed insufficient or where there are additional points of clarification to be sought, the RSAG may choose to conduct further evidence gathering activity.

- (iii) The RSAG may choose to meet with the complainant(s) and respondent(s) at this stage or with additional witnesses.

The potential outcomes from Stage 2 are as follows:

- (i) The RSAG determines that research misconduct is not in evidence and the allegations are not upheld.
- (ii) The allegations are upheld or partially upheld and the RSAG determines what actions should be taken as a result of the Stage 2 findings. This may include:
 - a. Referral to a disciplinary process
 - b. Further education, training or supervision
- (iii) Findings of Stage 2 circulated to all relevant parties including the Respondent(s) and Complainant(s)
- (iv) Where appropriate, RCUK or other external body, is advised of the outcome of the formal process and any corrective action taken (for example, the retraction of journal papers).

TIMESCALES

The university will endeavour to undertake Stage 1 within 3 weeks (or 15 working days) from receipt of an allegation and Stage 2 within three months (or 70 working days) from conclusion of the initial assessment. Following completion of the formal investigation appeals will be accepted by the University when received within 21 days. Where these timescales cannot be met it will be because greater speed would jeopardise the principles of the procedure and the University commits to proceeding as quickly as possible without compromising the quality of the investigation.

ANNEX 1

ROYALTY SHARING ARRANGEMENTS

(Extract from the minutes of the Court meeting held on 10 April 1990)

1321 ROYALTY INCOME (CM 1280)

- .1 Court, on the recommendation of the University Management Group (based on the advice of its Working Group on Royalty Income)
- RESOLVED** that the undernoted be adopted as the University's policy with respect to the disbursement of royalty income (which is here defined as including licence fees and option fees):
- (i) all costs attributable to a University source (such as the Research and Development Fund, the Business Ventures Group, a Department or a Faculty) which are used to translate research into a commercial proposition, together with all professional costs incurred in protecting intellectual property and licensing, shall be a first charge on 80% of any royalty income received;
 - (ii) the remaining 20% of royalty income will be treated as distributable income and to this will be added the balance remaining once the costs referred to in (i) above have been met;
 - (iii) the distributable income will be shared as set out below, in such a manner that the sums due to the inventor, the University and the Department will be calculated in a cumulative fashion (rather than, for example, on an annual basis); in each case the Department will receive 20% of the income which is not distributed to the inventor.

<u>Total royalty income</u>	<u>Inventor(s)</u>	<u>University</u>	<u>Department</u>
up to £10,000	80%	16%	4%
£10,001 - £50,000	60%	32%	8%
£50,001 - £100,000	40%	48%	12%
£100,001 - £500,000	30%	56%	14%
over £500,000	25%	60%	15%

- (iv) the above policy shall apply to income derived from licence or other similar

arrangements whose effective dates are subsequent to this policy being agreed by court.

.2 Court also,

RESOLVED that the following policy regarding the treatment of royalty income in the accounts of the Commercial Development Fund be approved:

- (i) the Commercial Development fund (CDF) should be credited with the full royalty income derived from those ventures in which investment from the Fund has directly generated intellectual property (the Fund's accounts will then show the amortisation of its costs and the subsequent transfer of the remaining royalty income for distribution, all as described in paragraphs 1 i-iii above);
- (ii) the CDF should initially be credited with the full royalty income which, though not the direct result of funding from the business Ventures Group (BVG), has been commercially realised through BVG investment in either time or money; this royalty income should then be transferred in full to central University funds, once any CDF professional costs have been amortised, for distribution in the manner described in paragraphs 1 i-iii above, a policy which will allow the CDF to show turnover; and
- (iii) all other royalty income, in the creation of which BVG has played no part, should be passed to central funds for distribution in the manner described in paragraphs 1 i-iii above.

.3 Court noted that the University Management Group had asked its Working Group to reconvene to discuss the formulation of University policies with respect to a variety of related matters. A report would follow in due course. It was suggested that the Working Party might also consider whether there would be value in calculating the proportion of time spent by Research and Development Services in work related to royalty generation.

(Extract from the minutes of the Court meeting held on 7 April 1992)

1675 ROYALTY INCOME (CM 1321)

It having been recalled that in April 1990 Court had established a university policy with respect to the disbursement of royalty income, Court now recognised that the policy

statement should be extended to cover the treatment of such income in the event of the death of the inventor. On the recommendation of the University Management Group, Court

RESOLVED, as part of the University's overall policy, a formal provision be incorporated which allowed for the transfer of payment of royalty income to an inventor's estate in the event of his or her death. The duration of such revenue sharing would be limited to the period during which the University would, under normal circumstances, be sharing with the inventor.

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