

vii) A member of staff against whom an allegation of misconduct is formally made and investigated will be given full details of the allegation and may be accompanied when interviewed as part of the investigatory process.

17. In order to uphold the reputation of the School, and to protect the interests of any relevant funding bodies or publishers, investigations of research misconduct will not be terminated on account of the member of staff or student under investigation leaving the School. Staff and students who have left the institution will be invited to continue to participate. Should they choose not to, the School may continue to consider the allegations against them in their absence.
18. This procedure will be followed for allegations of research misconduct received in the context of the School's Whistleblowing (Public Interest Disclosure) Policy¹⁰.
19. Any conflicts of interest must be avoided and those who have any personal interest, real or perceived, in the allegation should be disqualified from acting as Screener or undertaking any other role in the investigation.
20. The following definitions apply for the purposes of this Policy:

Research: This policy adopts the definition used by the Funding Councils for REF2014: "...research is defined as a process of investigation leading to new insights, effectively shared. It includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction. It excludes routine testing and routine analysis of materials, components and processes such as for the maintenance of national standards, as distinct from the development of new analytical techniques. It also excludes the development of teaching materials that do not embody original research."

Complainant: The person, or persons, bringing an allegation of research misconduct. The Complainant may or may not be a member of the University.

Named Person: The individual nominated by LSE to have responsibility for receiving allegations of research misconduct. They will initiate and supervise the procedure for investigating allegations of research misconduct. The Named Person is the LSE School Secretary. In the case of any conflicts of interest a nominated alternate will carry out this role. This will be a nominated ex-Head of Department.

Respondent: The person, or persons, against whom the allegation of research misconduct is made.

Screener: The person nominated to investigate the allegation and determine whether there is a *prima facie* case for a formal investigation.

Prima facie case: a case where the Named Person has concluded that the Complainant has presented sufficient evidence to support a claim of research misconduct.

Preliminary investigation

¹⁰ See <http://www.lse.ac.uk/intranet/LSEServices/policies/pdfs/school/lsePubIntDisPro.pdf>

21. An allegation of research misconduct must be made in writing, supported by a detailed written statement substantiating the allegation, to the School Secretary (the Named Person) via the email address research.ethics@lse.ac.uk. The School Secretary (supported by the Research Governance Manager) will formally acknowledge receipt of the allegation in writing to the Complainant and advise him/her of the Procedure that will be followed.
22. The identity of the Complainant shall be kept confidential. Exceptionally, if the School Secretary judges that revelation of the identity of the Complainant is essential to the fairness of the proceedings, then the Complainant will be asked to agree to the disclosure of his/her identity, or to withdraw the allegation.
23. Where necessary, immediate action will be taken to prevent any further consequences/risks of the alleged misconduct.
24. The School Secretary will review the nature of the allegations and assess whether there is a *prima facie* case that warrants further investigation (i.e. whether the complaint falls within the definition of research misconduct as outlined above). This should be completed within 10 working days of receipt of the allegation.
25. If the School Secretary deems that the allegation is not serious or may be the result of a misunderstanding or dispute between individuals, attempts will be made to resolve the situation by informal discussion, arbitration or dispute resolution.
26. If the School Secretary determines that the allegation is mistaken or malicious, the allegations will be dismissed, and this will be communicated in writing to the Complainant (and any other party who had been informed initially of the allegation), setting out the reasons why the allegation cannot be investigated under the Procedure.
27. If the School Secretary decides that the allegation is vexatious, malicious or otherwise an abuse of process then s/he may invoke appropriate disciplinary action against the Complainant, or legal action if the Complainant is not a member of the School.
28. Those who have made allegations in good faith will not be penalized.
29. If the School Secretary determines that the allegations cannot be discounted, he/she will inform the Respondent of the allegation and the procedures under which it is to be investigated. The Respondent will be given the opportunity to respond to the allegations.
30. The School Secretary will inform the Director and the relevant Head of Department or Research Centre Director that the allegation has been received. Where necessary the directors of Human Resources, Research Division, and Finance will also be informed. Any such communications will emphasize that the allegations are as yet unproven and that the information is confidential.

Screening stage

31. Where the School Secretary has determined that the allegation cannot be discounted, s/he will appoint a Screener to investigate the allegation and determine whether there is substance to the case. The Screener will collect relevant documentary evidence from the Complainant and the Respondent. This may include, but will not be limited to, research

notebooks, papers, witness statements and computer records. If necessary, the Screener may seek advice in writing from experts both within the School and outside.

32. Within 30 working days of appointment of the Screener, the Screener will submit a confidential written report to the School Secretary together with any documentation collected during the investigation and any written comments submitted by the Respondent. The report will advise the School Secretary either:
 - i) The allegation has no substance, or
 - ii) The allegation has substance.

33. The School Secretary will review the advice and findings of the Screener and will decide:
 - i) That the allegation has no substance and is dismissed, or
 - ii) That the allegation has substance but may be dealt with under informal procedures, or
 - iii) That the allegation has substance and may constitute good cause for disciplinary proceedings to be taken in accordance with the relevant section of the Academic Annex¹¹ (in relation to Academic staff or contract researchers) or the appropriate disciplinary regulations (in relation to other staff and to students).

34. The School Secretary will notify both the Complainant and the Respondent in writing of his/her decision within 30 working days of his/her receipt of the advice and findings of the Screener. S/he will also notify the Director and the relevant Head of Department or Director of Research Centre or Institute of the decision.

35. As per §27 above, if the School Secretary decides that the allegation is vexatious, malicious or otherwise an abuse of process then s/he may invoke appropriate disciplinary action against the Complainant, or legal action if the Complainant is not a member of the School.

36. Those who have made allegations in good faith will not be penalized.

Formal investigation

37. As per §33(iii) above, where the School Secretary has decided that an allegation has substance and that a formal investigation under the Academic Annex is appropriate, such an investigation will be undertaken. To avoid duplication, evidence gathered as part of the screening conducted under this Code of Research Conduct may be used in the subsequent formal investigation and in the course of any disciplinary proceedings, as appropriate.

38. The School Secretary will ensure that appropriate administrative action is taken as necessary to protect the interests of any relevant funding bodies or publishers and to meet all contractual obligations.

39. All documents relating to the investigation must be collected and forwarded to the Director of the Research Division to be filed for a period of six years. The data will be kept securely and in accordance with the rights of the data subjects.

¹¹ <https://www.lse.ac.uk/intranet/staff/humanResources/internal/pdf/academicAnnex.pdf>

40. A report on allegations of misconduct and their outcome, where appropriate, will be made to the Research Committee annually. The Higher Education Funding Council for England also requires an annual report as a condition of their Financial Memorandum. Data will be anonymised.

Annex A: School and external resources

1. LSE Resources

Academic Annex. The Academic Annex can be found at:

<https://www.lse.ac.uk/intranet/staff/humanResources/internal/pdf/academicAnnex.pdf>

Data protection policy. The policy can be found at:

<http://www.lse.ac.uk/intranet/LSEServices/policies/pdfs/school/datProPol.pdf>

And guidance regarding the Data Protection and Research is at:

<http://www.lse.ac.uk/intranet/LSEServices/policies/pdfs/school/datProRes.pdf>

Data Security policies, procedures and guidelines. Please refer to the guidance and links at:

<http://www.lse.ac.uk/intranet/LSEServices/IMT/about/policies/home.aspx>

Ethics Code: A set of six core principles underpinning life at the LSE. All members of the LSE community, including students, staff, visiting appointments and governors, are expected to behave in line with these principles.

<http://www2.lse.ac.uk/intranet/LSEServices/ethics/home.aspx>

Health and Safety, travel and field work (School policies and legislation): Information on the measures that the School is taking to ensure the health, safety, and welfare of everyone who works, studies or visits the premises or may be affected by the activities of the School, as well as those undertaking fieldwork, can be found at:

<http://www2.lse.ac.uk/intranet/LSEServices/healthAndSafety/Home.aspx>

See also Researcher Safety guidance below.

Intellectual Property: currently under development – contact the Director of the Research Division for more information.

Research Data Management: Guidance can be found at:

<http://www.lse.ac.uk/library/usingTheLibrary/academicSupport/RDM/home.aspx>.

Research Ethics Policy and Guidelines: Details of the School's Research Ethics Policy and procedures can be found at:

<http://www2.lse.ac.uk/intranet/researchAndDevelopment/researchPolicy/ethicsGuidanceAndForms.aspx>

