University of St Mark & St John
PLYMOUTH

RESEARCH ETHICS POLICY & CODE OF CONDUCT

This document establishes the principles for the University's management of ethical issues arising in research by staff and students.

Contents

1.0 Introduction

1.1 It is important that research activity in its broadest sense at the University of St Mark & St John is conducted with the highest standards of integrity and probity. This document sets out the principles and code of conduct guiding the institution with regards to research of all kinds, in all disciplines.

1.2 The Research Ethics Policy and Code of Conduct align with the Concordat for Research Integrity. The Concordat was written in collaboration with government departments and a group of funding bodies, such as the Welcome Trust, HEFCE and Research Councils UK. It applies to all disciplines and areas of research.

As one of the signatories, HEFCE has also made compliance with the Concordat a condition of funding and incorporated it into funding agreements. The University has adopted the Concordat. There are five commitments contained within it, namely:

- Maintaining the highest standards of rigour and integrity in all aspects of research;
- Ensuring that research is conducted according to appropriate ethical, legal and professional frameworks, obligations and standards;
- Supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers;
- Using transparent, robust and fair processes to deal with allegations of research misconduct should they arise;
- Working together to strengthen the integrity of research and to reviewing processes regularly and openly.

1.3 Implementation of the Research Ethics Policy is coordinated by the Research Ethics Panel, which is a sub-committee of, and reports to, the Research Committee. Ultimate oversight is the responsibility of Academic Board. Faculty Directors of Research coordinate implementation of the Ethics Policy in relation to research within their Faculty.

1.4 Many of the ethical issues that arise in teaching, such as the teaching of ethical matters in professional programmes, are best considered within Faculties and in collaboration with the University's Learning, Teaching and Student Enhancement Committee.

2.0 Scope

2.1 For the purposes of this document, the term 'researcher' encompasses:

- any member of the University[1] (staff, postgraduate or undergraduate student or associate researcher);
- any individual who is not a member of the University, but is undertaking research using the University's premises and facilities, and/or under the name of the University.

2.2 We adopt the definition of "research" used in the Concordat, which in turn is based on that used in the Research Excellence Framework (2011): "'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". In other words, research includes original investigation leading to the creation or gaining of new knowledge and understanding.

2.3 Research involving human participants[2,3] is particularly likely to raise ethical issues. Such research – funded or unfunded – is defined as any of the following:

- research that directly involves people through their physical participation (active or passive) in research activities. Such activities may include, but are not restricted to, interviews, questionnaires, discussions, physical experiments and observational research;
- research that indirectly involves people (living or recently deceased, particularly where there are likely to be living relatives) through the provision of access to personal data;
- research that involves people on behalf of others, such as parents/guardians

[1] Members of the University who are registered for higher degrees at another Higher Education institution should follow the guidance and procedures relating to research ethics of the institution at which they are registered.

[2] In the case of research with non-human participants, applicants are advised to closely consult the Animals Scientific Procedures Act 1986 (As Amended 2012) which regulates any experimental or other scientific procedure applied to any vertebrate other than man.

[3] While this policy's main focus in on research involving human participants, researchers should note that secondary research data collected through desk-based techniques are not exempt from ethical considerations.

of children or vulnerable adults, and supervisors of people in controlled environments.

2.4 The Ethics Policy provides for the ethical approval of research projects in accordance with good practice guidelines and expectations established nationally by such bodies as the Government Office for Science[4], Research Councils UK[5], UK Research Integrity Office, Concordat to Support Research Integrity and the individual research councils[6] or charities. These, in turn, reflect internationally recognised good practice in research governance.

3.0 Aims, Objectives and Procedures

3.1 The aim of the Ethics Policy is to ensure good governance in research ethics within the University. The following objectives are considered integral to the achievement of this aim:

3.1.1 To ensure that all proposed research projects involving human subjects are subject to independent ethical scrutiny by more than one person;

3.1.2 To provide staff, through the research ethics application process (via department and faculty review committees and membership of Ethics Panel and Research Committee, with an opportunity to participate in the ethical scrutiny of research proposals, thereby increasing familiarity with, and confidence in, research ethics across the institution;

3.1.3 To ensure that students are supported in developing their capacity to identify and think through ethical issues that may arise during their own research.

3.2 Procedures for staff and student Research Ethics applications: independent scrutiny of research proposals is provided by the Faculty and the University's Research Ethics

[4] Government Office for Science (2007) *Rigour, Respect and Responsibility: A Universal Ethical Code for Scientists.* http://www.bis.gov.uk/assets/BISPartners/GoScience/Docs/U/universal-ethical-code-scientists.pdf [last accessed 10/01/12].

[5] Research Councils UK (2009) *RCUK Policy and Code of Conduct on the Governance of Good Research Conduct: Integrity, Clarity and Good Management.* http://www.rcuk.ac.uk/documents/reviews/grc/grcpoldraft.pdf [last accessed 10/01/12].

[6] Specifically, the ESRC's (2010) *Framework for Research Ethics,* to which the AHRC also refers. http://www.esrcsocietytoday.ac.uk/_images/Framework_for_Research_Ethics_tcm8-4586.pdf [last accessed 10/01/12].

Panel where applicable. A description of these procedures are available on the University staff intranet.

3.3 All researchers should note that:

3.3.1 It is University policy that a favourable ethical opinion is required for all research. Researchers who proceed to undertake research without such clearance will not be able to rely on the support of the University and may be subjected to disciplinary action.

3.3.2 The issue of a favourable ethical opinion by the Panel or Sub-Panel does not connote an expert assessment of the research or of the possible risks involved, nor does it detract in any way from the ultimate responsibility of researchers for all research undertaken by them, and its effects on human participants.

3.3.3 A favourable ethical opinion is granted for the research activity described, and for the time period specified by the researcher on the proforma at the time of application. If the research is amended (e.g. in terms of its aims, methods or time-frame) during the progress of the project, the researcher should ensure that ethical issues are reconsidered using the appropriate procedures and the appropriate documentation completed.

3.3.4 Where uncertainty over any aspect of a proposed research project exists, the researcher and/or the designated officer with responsibility for ethics within the Faculty may choose to request that the proposal be discussed with the Research Ethics Panel even where this is not a formal requirement under the procedures.

3.3.5 When research projects require the scrutiny of another body (e.g. applications going through national-level Ethics such as the UK's Integrated Research Application System/IRAS), the University Research Ethics Panel should be made aware of the research and given the opportunity to comment on the project and have these comments noted.

3.4 The membership of the Research Ethics Panel and its Sub-Panels, if applicable, is described in its Terms of Reference.

4.0 Context and Values

4.1 The Strategic Plan 2014-2024 describes the university's vision to be a:

> *"A values-based university that is academically credible, financially sustainable and nationally and internationally recognised for providing an outstanding student experience in distinctive areas underpinned by* ***high quality research****"*
>
> The Ethics Policy has a central role in supporting good practice in research. Underpinning the Policy is the University's commitment to value its … "diversity and [that of] the wider community, respecting each person as a human being of equal value" and to "apply the highest ethical standards at all levels of decision making". Given the diversity of academic activity within the institution, the nature and significance of ethical issues arising in research will vary across the University and between projects. The institutional procedures relating to research ethics are intended to allow sufficient flexibility to allow for such differences. Applying the highest ethical standards in decision making means that in addition to independent scrutiny of research proposals, the researcher also assumes the responsibility of ensuring that research activity reflects the University's value systems. The researcher(s)' responsibilities are outlined in Section 5 "Research Code of Conduct".

4.2 The following key principles inform the University's stance on ethical issues in research involving human participants.

- Informed consent
- Protection from harm
- Confidentiality
- Openness, honesty and integrity

4.2.1 Informed consent

Research involving human participants should, wherever possible, be based on consent of those participants. This consent must be:

(i) fully informed, *and*
(ii) freely given

Informed consent requires that a potential participant and/or person with parental responsibility or legal representative understand the information being conveyed to them by researchers. Such information must be provided in writing with a clear and fair description of the research, using lay language as much as possible. These written information sheets must be approved by the Research Ethics Panel as part of its favourable opinion.

However, researchers need to consider how best to convey relevant information to facilitate understanding as certain types of research require alternate

processes for seeking, and recording, consent[7]. In research projects involving minors or incapacitated adults for whom understanding of the written word or complex spoken language is difficult, innovative methods for seeking and obtaining informed consent, e.g. pictorial/digital methods, are encouraged. The written information sheet however must accompany these alternative means of providing information. If the research project involves speakers of other languages different to the language that the information sheet is written in, a translation of the information sheet is required.

Information about the project should be provided *prior* to the obtaining of consent. However, in exceptional cases, enrolment may take place prior to informed consent, for example where urgent treatment is required.[8]

Potential participants should be informed of the nature and purpose of the research, and any potential benefits, risks, obligations or inconvenience associated with the research that may influence their decision to participate. Care should be taken that participants are informed of any negative effects which the research may have on them (for example, physically, emotionally, professionally, in terms of stress, etc.). The researcher should also gain the permission of the study participants if personal data is to be transferred overseas, particularly where the data storage mechanisms may be less secure or if the data may be used subsequently for other research projects. The researcher must honour all promises and commitments included in that agreement (unless agreements on confidentiality and anonymity are likely to result in the continuation of illegal activity and/or harm to the individual or others.) The researcher must inform all participants, in ways that can be understood by them, about all aspects that might reasonably be expected to influence their willingness to participate, as well as answer honestly all participants' questions.

Participants should also be informed and assured that they are free to withdraw their consent at any time without adverse consequences. The researcher must respect the individual's freedom to decline to participate in, or withdraw from, the research at any time without prejudice. The researcher must take particular account of the fact that they are normally in a position of authority or influence over the participant during the investigation and that this may prevent the participant from voicing such wishes.

[7] adapted from the Tri-Council Policy Statement on Research Ethics, Informed Consent Chapter - http://www.pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/chapter3-chapitre3/#ch3_en_a3.7a

[8] Good Clinical Practice Guide (2012), Section 3.3 "Informed Consent"

Obtaining consent. Those participating in research must do so voluntarily. Under no circumstances may researchers conduct research with anyone who has refused to participate and the researcher (or lead researchers, in the case of collaborative work) is responsible that consent is obtained prior to participation in the research. Furthermore, recruitment of participants should not demonstrate undue influence or manipulation, coercion or offer incentives which are attractive enough to encourage reckless disregard of risks[9]. Wherever possible, and proportional to the nature of the research, evidence of consent (either written consent, or oral consent witnessed by another) should be obtained before any data collection takes place.

Where vulnerable populations are involved in research, extra care is needed to ensure that the rights of participants are upheld and that their consent to participate in the research is freely given. For research involving children/minors or participants who have impairments that would limit understanding, where appropriate and feasible the informed consent of the child[10]/minor or participant with limited understanding should be obtained. Consent of the parent/legal guardian must be obtained in all cases. Only in exceptional circumstances (e.g. where the research sample are under two years of age) should agreement be given solely by those in a position of care and authority for such individuals and, where this occurs, the researcher should inform the University Research Ethics Panel.

In the case of research in educational settings, the following issues must be kept in mind by the researcher:

(i) What constitutes "research" for the practitioner
(ii) Consent from the child vs. permission to see consent from the child
(iii) The imbalance in power relations between the child/pupil and adult/researcher/teacher

Practitioner Research When practitioners are involved in research, a distinction needs to be made between "elements of practice which the practitioner would implement in the fulfilment of their professional duties independently of the research, and the specific research elements for which

[9] As above

[10] Article 12 of the United Nations Convention on the Rights of the Child requires that children who are capable of forming their own views should be granted the right to express their views freely in all matters affecting them, commensurate with their age and maturity. The British Educational Research Association thus recommends that children should be facilitated to give fully informed consent

permission is sought"[11].

Child consent In the case of research in educational settings, a distinction is made between participant consent (which must come from the child) and permissions to seek child consent from those with parental responsibility, including the parent/carer and the Head Teacher or people in comparable positions with another title[12]. Child consent should be sought in all but exceptional circumstances and appropriate methods be used to obtain and record consent. In all but exceptional cases those with parental responsibility (see above) should also be given sufficiently detailed information about the project, including any information that their child receives, in order to enable a decision about whether to give permission for the child's consent to be sought. A straightforward means of communicating their wish for the child to be invited (opt-in) or not to take part (opt-out) should also be provided. Researchers should ensure and confirm that the procedures they propose to use for communication with parents/carers are appropriate and in line with the school's procedures. Although the "opt in" parent/carer permission procedures is the default position for research involving primary data collection for participants under 18 years old in schools, it is recognised that this is not always appropriate. In these exceptional cases the researchers much satisfactorily justify using alternative procedures. "Opt out" parent/carer permission procedures may be permissible for example where the study involves group testing/data collection on topics included on the standard school curriculum or class observation. Head Teachers must agree to this.

In all cases, researchers are expected to comply with the ethical code of conduct of their respective professional body,

Power relations Researchers should be sensitive to the power imbalance that not only exists between a child and adult but additionally between the student and teacher/researcher. All care should be taken to address this.

In exceptional circumstances, where the nature of research design requires that research is undertaken without informed consent, the need for this should be carefully considered and fully justified. For example, informed consent need not always be obtained for data to be used in research that is already in the public domain, e.g. school SATS results, Ofsted reports or other literary texts. In using these data the researcher should be committed not to misrepresent data, and to maintain

[11] Liverpool Hope University Faculty of Education, Statement on Practitioner Research

[12] See the Sussex University Research Governance Committee's "Guidance for obtaining consent for research with child participants in schools" (2014) https://www.sussex.ac.uk/webteam/gateway/file.php?name=guidance-for-obtaining-consent-for-research-with-child-participants-in-schools-241014-soprgo02.pdf&site=377

the highest standards of research integrity outlined in the concordat to support research integrity (Universities UK, 2012).

If research is to be conducted in another institution, consent should be obtained where appropriate. As a general principle, the more wide-ranging the research, the higher the level of consent required (for example, Local Authority consent in the case of a survey across all the schools in an area). The researcher should check for any conflicts between relevant policies of the institution in which the research is being done and the intended research. It is the researcher's responsibility to resolve any problems and, if necessary, refer the issue to the Research Ethics Panel.

Transparency of purpose is an important principle of research. In exceptional circumstances however, the research design may require the following:

(i) the withholding of full disclosure to participants prior to obtaining informed consent, or

(ii) the use of concealment or deception. Examples of the use of concealment might include the use of a placebo in a clinical trial study or – in a Psychology experiment – not revealing beforehand the purpose of the experiment in cases where knowledge of this may influence responses to stimuli. Deception (i.e. research without consent) should only be used as a last resort when no other approach is possible. This principle also requires that research staff need to be made fully aware of the proposed research and its potential risks to them.

In all cases where it is proposed to withhold the true purpose of a research activity (or provide a misleading explanation) the research design must be considered by the Research Ethics Panel before any data collection is undertaken.

Before seeking approval for either course outlined above, however, the researcher must:

(i) determine whether the use of such techniques is justified by the study's prospective scientific, educational or applied value;

(ii) determine whether alternative procedures are available that do not require such procedures;

(iii) ensure that the participants are debriefed and provided with sufficient explanation as soon as possible.

All such proposals will be scrutinised by the Research Ethics Panel automatically.

After data have been collected, participants should be provided with information about the nature of the study and best efforts should be made such that any misconceptions that may have arisen be removed. Where scientific or humane values justify delaying or withholding this information, the researcher has a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

4.2.2 Protection from harm

Researchers should endeavour to minimize the risk of physical, social or psychological harm arising to any person (including participants and researchers, whether directly or indirectly involved) or organisation as a result of their research, and to minimize the risk of harm to the environment. In some studies, it is normal to undertake a risk assessment prior to the commencement of data collection. If a risk of such consequences does exist, the proposal should go automatically to the Research Ethics Panel, and the researcher must inform the participant of the risk. At a minimum, research participants should be fully informed, free to volunteer without inducement, free to opt out at any time without redress, and be fully protected in regard to safety, to the limits of best practice for the nature of the research being undertaken. The participant should be informed of the procedures for contacting the researcher, within a reasonable time period following participation, in the event of stress, potential harm or related questions/concerns arising from participation in the research. It is also advisable that researchers inform participants who they may contact in the event of any issues arising from or during the research that cannot be resolved with the researcher. Contact details of the researcher or appropriate person and a person independent of the study (for example, the Research Administration Manager from the University Research and Innovation Office) should be made available to research participants. Where research is undertaken outside of the UK, researchers should recognize that there may be issues of local practice and political sensitivities.

4.2.3 Confidentiality

Except where explicit written consent is obtained, researchers should protect the confidentiality and anonymity of all human participants and their data at all times. Researchers should be aware of the risks to anonymity, confidentiality, privacy and security posed by the data they collect and store, and take measures to prevent accidental breaches of confidentiality. The collection, storage, use and disclosure of data must comply with the Data Protection Act (1998).

Information provided to participants prior to consent should outline the research project's procedures to protect confidentiality when informed consent is obtained.

Information obtained about a participant during the course of an investigation must be treated as confidential unless otherwise agreed upon in advance. Where the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, should be explained to the participant as part of the procedure for obtaining informed consent.

If it comes to light in the course of research that the effect of agreements the researcher(s) have made with participants on confidentiality and anonymity will allow the continuation of illegal behaviour, the researchers must make a judgement and carefully consider making disclosure to the appropriate authorities. If the behaviour is likely to be harmful to the participants or to others, the researchers must also consider disclosure. Researchers are advised to consult with their Faculty Directors of Research or the Research Ethics Panel if in doubt. Insofar as it does not undermine or obviate the disclosure, researchers must apprise the participants or their guardians or responsible others of their intentions and reasons for disclosure (BERA, 2011: 8).

When reporting the results of a study, this should be done in such a way that the identity of individuals cannot be determined.

4.2.4 Openness, honesty and integrity:

Researchers should be open and honest about the purpose and content of their research at all times, and conduct the research in such a way as to ensure the professional integrity of its design, the generation and analysis of data, and the publication of results. More on this key principle can be found in the following section "Research Code of Conduct".

5.0 Research Ethics and the PREVENT policy

5.1 This Ethics policy is intended to cover the full scope of research activity, included in which might be research on issues that may be considered "sensitive" or that have a potentially adverse impact on the researcher or participant. With specific regard to the PREVENT policy[13], this includes security-sensitive research material that can be interpreted as engaging the Terrorism Act.

5.2 Researchers dealing with such material should indicate in the Ethics Checklist if their

[13] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445977/3799_Revised_Prevent_Duty_Guidance__England_Wales_V2-Interactive.pdf

material might be linked, or interpreted as linked, to terrorism/matters that the PREVENT policy is concerned with. In addition, they must register and log their work with the Research administration manager and complete the relevant logging forms.

5.3 The secure storage and access to such material are important considerations. The University will isolate research material that may fall within the scope of the PREVENT Policy, while ensuring that it is made available to the researcher so that research is not impeded.

5.3.1 Researchers will utilise a secure data store to hold all relevant sensitive materials. Secure storage must be identified under the advice of IT Services and after the project has been logged with the Research Administration Manager via the appropriate forms.

5.3.2 Placing of materials in the store identifies them as being for research purposes and stops any further circulation of the material. The store may contain documents that are electronic in origin or those scanned from notes or paper copies.

5.3.3 Researchers using the material will not transmit electronically (or otherwise) any data or research materials to any third party. All planned research related uses of the material should be carefully considered and clearly documented within the relevant logging forms in advance of use.

5.3.4 Special permission rights will need to be applied for by the researcher in order to be granted access to the materials for a limited time period (renewable upon application).

6.0 Monitoring and review

6.1 Auditing of staff research projects granted a favourable ethical opinion: The process of auditing research projects that have received a favourable ethical opinion within the University has two aims:

(i) To monitor compliance with the Research Ethics Policy and Code of Conduct and any project-specific requirements of ethical approval, thereby meeting external expectations relating to research governance such as those defined by the Concordat to Support Research Integrity.

(ii) To provide opportunity for the identification and sharing of good practice and the improvement of institutional systems and processes, in accordance with the underlying ethos of the Research Ethics Panel, i.e. to support staff in the good conduct of research.

6.2 The process for auditing staff research projects is as follows:

6.2.1 At the first Research Ethics Panel meeting of the new academic year, a subset (to be determined by Panel) of research projects granted ethical approval in the previous 24 months (i.e. projects completed or on-going during the current academic session) shall be identified for audit.

6.2.2 Prior to the audit of a selected project, a set of criteria (as determined by the Research Ethics Panel) shall guide the examination of selected research projects during the audit. These criteria could include whether the researcher(s) carried out their study in accordance with described protocol and how complaints, if any, were handled. The record of ethical approval (including any conditions or recommendations) shall be used to identify the aspects of the project for which evidence is to be required during the audit.

6.2.3 The lead researcher of projects selected for audit shall be asked to provide the required evidence. With regard to any recommendations made by the Research Ethics Panel, the researcher(s) shall be asked to provide either evidence of adoption of the recommendation(s), or justification for acting otherwise.

6.2.4 The evidence shall be reviewed by either the Faculty Director of Research or University Research Administration Manager.

6.2.5 To maximise opportunity for the identification and sharing of good practice, the Faculty Director of Research or University Research Administration Manager undertaking the audit may also confer with the researcher(s).

6.2.6 The Faculty Director of Research or University Research Administration Manager undertaking the audit shall provide a written report, to be included in the Research Ethics Panel annual report. The audit report is to go up to the Research Committee, who will periodically report to the Academic Board.

6.2.7 In addition to the above audit of selected projects, the Research Administration Manager shall send a reminder to the lead researcher(s) of any project for which the data are due to be destroyed, requesting confirmation of such data destruction. This shall be reported in the Research Ethics Panel annual report.

6.3 Monitoring implementation of the Ethics Policy: implementation of the Ethics Policy will be monitored via Faculty annual reports to the Research Ethics Panel. These reports will normally be produced by the Faculty Director of Research. Any amendments deemed to be required will be proposed by the Research Ethics Panel for consideration by the Research Committee. Such need may arise through experience

of implementing the Policy within the institution, or through changes to external (national and international) guidance and expectations regarding good practice. It is recommended these considerations take place during the first meeting of the new academic year in order to allow any amendments to the Policy to be made prior to the beginning of a new academic session.

6.4 In the event of an ethical issue that carries potential negative impact on the University's reputation, this will be escalated to the Research Committee and thereon to the Academic Board as appropriate.

6.5 Annual Reporting: The Research Ethics Panel will report annually to the Research Committee, and make recommendations regarding any amendments or revisions to the Ethics Policy deemed necessary. The Research Ethics Panel annual report will normally encompass:

(i) Summary of procedures: staff research; student research
(ii) Summary of applications and decisions: staff research; student research
(iii) Audit reports and confirmation of data destruction
(iv) Good practice and issues arising

6.6 The annual report shall be provided to the Board of Governors, in accordance with the Concordat to Support Research Integrity.

7.0 Communication

7.1 The Research Ethics Policy is publicly available on the University website.

7.2 The Research Ethics Policy can also be accessed via a link on the University Intranet (Research and Innovation pages). The Intranet provides staff with access to electronic versions of relevant pro formas to enable electronic completion. Staff may download the current version of the pro formas from this page each year to make them available to students.

7.3 Further guidance on research ethics, including codes of conduct produced by a variety of external organizations (e.g. learned societies) and a list of relevant academic literature, is also available on the Intranet (Research & Innovation Office (RIO) pages).

7.4 Staff development relating to research ethics and the Ethics Policy can be provided on request. Requests from individuals should be directed to University Human Resources office. Requests from Programme Teams, Departments or Faculties should be directed to the Research Administration Manager in the first instance.

8.0 Research Code of Conduct

8.1 The Code of Conduct defines the University's expectations of researchers.

In this Research Code of Conduct, "research" is defined as it is in the Concordat; here research is seen 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'[14]. The Code applies to all research (funded and unfunded) and consultancy (within and outside the University) undertaken by University staff and students in collaboration with other organisations, such as collaborative research projects. It also applies to individuals from other organisations who are undertaking or supervising research at or for the University.

As stated in 1.2 above, the Code of Conduct aligns with and signs up to the commitments laid out in the Concordat to support research integrity, which the University has adopted. There are five commitments contained within it, namely:

- Maintaining the highest standards of rigour and integrity in all aspects of research;
- Ensuring that research is conducted according to appropriate ethical, legal and professional frameworks, obligations and standards;
- Supporting a research environment that is underpinned by a culture of integrity and based on good governance, best practice and support for the development of researchers;
- Using transparent, robust and fair processes to deal with allegations of research misconduct should they arise;
- Working together to strengthen the integrity of research and to reviewing processes regularly and openly.

8.2 Any researcher with concerns about the University's Code of Conduct and its relation to their research is encouraged to discuss these concerns with a member of staff. Such discussion would normally be with:

(i) the supervisor, module leader or another member of the programme

[14] See also: Frascati Manual: Proposed Standard Practice for Surveys on Research and Experimental Development, 6th edition (2002)

team, if the researcher is a student on a taught programme;

(ii) the first-named supervisor or the Research Administration Manager, if the researcher is a postgraduate research student;

(iii) the line manager or Faculty Director of Research if the researcher is a member of staff.

(iv) the Head of Human Resources

8.3 Guiding principles

8.3.1 Research activity **must** be based on the following guiding principles:

(i) Research within the University **should** pursue new knowledge and understanding.

(ii) Research methods and results **should** be open to scrutiny and debate unless they are subject to a contract or similar which requires confidentiality.

Researchers should, in all aspects of their research:

(i) demonstrate honesty, integrity and professionalism. Researchers must be honest in respect of their own actions in research and in their responses to the actions of other researchers. This applies to experimental design, generating and analysing data, publishing results and acknowledging the direct and indirect contributions of colleagues, collaborators and others and other research related matters.

(ii) observe all legal and ethical requirements laid down by the University or other properly appointed bodies as are involved in their field of research.

(iii) Make efforts necessary to ensure they are familiar with 'best practice' (e.g. in relation to matters of research policy, finance or safety) relevant to their area of research

(iv) avoid, or, if unavoidable, declare, conflicts of interest, whether actual or prospective.

(v) take steps to ensure the safety of those associated with the research.

(vi) observe fairness and equity, including ensuring that all work, including the generation of intellectual property, presented as their own complies with protocols for acknowledging the contribution of others and acknowledges all source material.

8.4 The Researcher's Responsibilities

8.4.1 Observance of the Code

(i) Staff, temporary staff and visiting staff must familiarise themselves with this Code and its provisions, and ensure that both they and others working on research that are associated with the University and known to them adhere to these provisions.

(ii) Staff responsible for teaching or supervising students who are undertaking research (including postdoctoral research students) must ensure that students are familiar with the core principles of the Code. **All researchers, including students** will be judged by the standards contained within this Code.

(iii) This code is linked to, and operates in, conjunction with conditions of employment for the relevant staff groups and other related University policies and procedures. Failure to abide by this code may lead to the matter being considered under the University's disciplinary procedure. The University may also refer researchers who fail to comply with the Code to their professional regulatory body (e.g. the Health & Care Professions Council; HCPC).

8.4.2 Advice and training

(i) If you are in doubt about the applicability of the Code, or about the appropriate course of action to be adopted in relation to it, you must seek advice from a suitable colleague, such as member of the Research Committee, a member of the relevant Ethics Panel or the Faculty Director of Research.

(ii) Training in various aspects of the Code is available. Do approach the RIO or HR for details

8.4.3 Applying for funding and support

(i) When applying for research funding or support of any kind a researcher must ensure that the information they provide in the application is clear and accurate. In addition, they must not seek to identify or approach the assessors of their application.

(ii) When applying for research funding, researchers must make sure that they understand the research funders' terms and conditions for applications and awards and ensure that they abide by these at all times.

(iii) When applying for research funding researchers must comply with the University policies and regulations. They must also report to the Ethics Panel any application that might result in a conflict of interest.

(iv) Any researcher who is a signatory on an application for research funding or support of any kind must share responsibility for ensuring that the information submitted is clear and accurate, and will be held jointly responsible (with other applicants) for any plagiarism (including self-plagiarism), fabrication, falsification or misrepresentation.

(v) Where an application involves collaborative working with individuals and organisations outside the University, applicant researchers must ensure the

collaborator's costs and any letters of support or agreements are appropriately included in the application (See 5.4.6 below).

(vi) When considering whether to apply or bid for philanthropic donations or research or enterprise funding researchers should seek advice in the first instance from the RIO and or the Marketing Department.

(vii) The University has an obligation to conduct its fundraising, research and enterprise funding operations and relationships in an ethical manner, and to ensure that due diligence is observed when assessing whether or not to proceed with a funding application, or to accept an unsolicited philanthropic donation or research funding, or to establish specific philanthropic relationships or contracts.

8.4.4 Other approvals

(i) Researchers should be aware that other aspects of a research project may also require approval or documentation before research commences. For example, working with biological agents or potentially hazardous chemicals, controlled drugs, radiation or genetically modified organisms. Also permissions relating to health and safety, data security and information governance considerations. Researchers must ensure that all relevant procedures are completed prior to starting research work.

(ii) Advice may be sought from the Health & Safety Officer as appropriate. All work should comply with Health & Safety regulations and audits

(iii) Regulations from the Home Office govern that the use of animals in research and all such research must be licensed before research commences.

(iv) Where research involves sensitive, security or terrorism-related material, researchers must ensure that all procedures developed by the University's Prevent Group have been followed and appropriate permissions obtained.

8.4.5 Conflict of interest

'Conflict of interest' includes any personal or family link with the outcome of research, or any personal, group or institutional affiliation or involvement with any organisation sponsoring or providing financial support for a project, or any financial involvement in a project undertaken by a researcher. To be clear, financial involvement includes direct financial interest, provision of benefits (such as travel and accommodation) and provision of material or facilities.

(i) Researchers must make full disclosure of any conflict of interest associated with or arising from their research to the RIO and the University Research Ethics Panel as soon as reasonably practicable and also identify the nature of the potential conflict.

(ii) Researchers must comply with any instructions, requirements or directives from the University Research Ethics Panel in relation to a conflict of interest in research.

(iii) Researchers must make full disclosure of any conflict of interest to the University Research Ethics Panel or other approving bodies reviewing an application for ethics approval.

(iv) The University's *Financial Regulations* provide guidance on acceptance of gifts and other financial matters.

8.4.6 Working with individuals and organisations outside the University

(i) If research is conducted in partnership with individuals or organisations outside the University, formal agreements must be put in place prior to the commencement of the research. Formal agreements normally include agreement on publication and authorship, ownership of intellectual property, the responsibilities of researchers, procedures for the resolution of issues and the investigation of allegations of misconduct. Depending on the nature of the project, agreements may also include arrangements for data sharing, supply of materials and other project-specific issues.

(ii) All philanthropic support for research projects or programmes must be the subject of a Gift Agreement and the PI must work with the RIO in producing such documents for approval.

(iii) The PI must ensure that the RIO is informed with respect to collaborations and they will negotiate agreements with the relevant individuals and organisations. The researcher must not sign any research-related agreements (including, but not limited to, consultancy, research grants, materials transfer and confidentiality / non-disclosure agreements) without specific approval from the RIO.

(iv) If a project may result in exploitable intellectual property and any revenue sharing should the intellectual property be commercialised, researchers must contact the RIO for advice, as outlined in the University's Intellectual Property policy.

(v) Researchers must consider any issues that might arise relating to intellectual property at the earliest opportunity, and ensure agreement is reached in advance of any further agreements or advancement of the work.

(vi) Researchers must familiarise themselves with and adhere to the standards and procedures for the conduct of research laid out in any collaboration agreement. They should pay particular attention to projects involving collaborators from different countries or work carried out in another country, and be aware of any additional legal and ethical requirements or

other guidelines which may apply as a result[15]. See also Points (viii) – (x) in 8.4.7 below.

8.4.7 Ethical Considerations

(i) All researchers (staff carrying out their own research, collaborating on research or supervising research, post-doctoral researchers and students) must carefully evaluate their research for ethical acceptability. The University "Ethics Checklist" assists researchers in making this evaluation. Ethics approval must be obtained before the start of any research activity. If the ethics checklist denotes that a project is exempt from ethics review, independent agreement and approval from the Faculty Director of Research must still be sought.

(ii) The primary ethical concern of all researchers is whether an individual, community or organisation will in any way be at risk of harm as a result of participating in the research. If such risk(s) is(are) identified the researchers should carry out a risk-benefit analysis that can be evaluated by the Research Ethics Panel, and make every effort to minimise this risk. Where the risk(s) cannot be eliminated from the research design, justification for the procedures must be provided, explaining why alternative approaches involving less risk cannot be used.

(iii) Researchers (please see 2.1 for definition of "researcher") undertaking research involving children or vulnerable adults must have the appropriate Disclosure and Barring Service (DBS) clearance. If schools, or other similar institutions, are involved, the school must be given a letter from the University of St Mark and St John, signed by the Faculty Director of Research or a Line Manager stating that the researcher has DBS clearance.

(iv) The researchers must make reasonable efforts to ensure that participants are, as far as possible, aware of the period during which their actions or words contribute towards the research findings. Particular care should be taken over the use of data obtained from what might normally be construed as private conversations or actions if the research has not made clear that it is still part of the data collection exercise.

(v) The researcher must ensure that the participants (and/or their guardians/carers) have an understanding of the potential secondary use of data and consent to this possible use in journal articles, conference presentations or similar. Participants should also be aware that some research funding bodies have the expectation that anonymised data collected for a specific research project may be used subsequently by other researchers (e.g. UKRC data sets).

(vi) The researcher/supervisor always retains the responsibility for ensuring ethical practice in the research and its dissemination. They are also the persons responsible for the ethical treatment of participants by collaborators,

[15] See the OECD (2011) report on Global Science Forum Opportunities, Challenges and Good Practices in International Research Cooperation between Developed and Developing Countries Opportunities

assistants, other students and employees. Similar ethical obligations to those of the Principal Investigator (PI) apply to research collaborators, assistants, students and employees involved in the project.

(vii) In research carried out by students, the student and supervisor(s) share responsibility to agree on its design and ensure its ethical compliance and clearance. If circumstances require a change to the research design ethical clearance must be reconfirmed.

(viii) Researchers involved in research projects that involve overseas collaboration and/or data collection must take into account different circumstances in the countries involved, particularly different ethical standards, political and cultural considerations, handling and storage of personal data, the relationship between researcher and participant, access to research resources and the rules that exist within the country with regard to conducting research. While recognising the contextual setting, every effort should be made to ensure data collected overseas meets the ethical guidance contained in this and any appropriate professional ethical guidance (e.g. BERA, BPS and the SRA).

(ix) If the research involves participants of a substantially different cultural background to that of the researcher, the implications of this should be considered at a very early stage in the research design. This consideration should include partnership with an informed member of the population from which the research sample is to be drawn, in order to check for foreseeable threats to psychological well-being, health, values and dignity. Such initial vetting is highly recommended before the application is submitted to the University Research Ethics Panel.

(x) In the case of inter-institution collaborative research, those responsible for the research project must ensure some form of compatibility as far as ethical procedures and practices are concerned or reach an agreement as to which institution's ethics policy has precedence. Collaborating institutions should agree that the project be scrutinised by the University Research Ethics Panel of the lead PI's institution and abide by that process and subsequent monitoring. Documentary evidence confirming ethical clearance has been granted must be lodged with the University Research and Innovation office.

8.5 Misconduct

8.5.1 Misconduct in research is constituted by a failure to comply with the provisions above and, without limiting the generality of the foregoing provisions, includes[16]:

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

(ii) Falsification: manipulating research processes or changing or omitting data

[16] Definitions are according to those found in the Concordat to Support Research Integrity

without good cause

(iii) Misrepresentation of data and/or interests and/or involvement

(iv) Plagiarism: using other people's material and/or ideas without giving proper credit

(v) Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk of harm (to humans or animals involved in the research, and to the environment), and for the proper handling of privileged or private information on individuals collected during the research.

(vi) 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

(vii) Improper dealing with allegations of misconduct: failing to address possible infringements such as attempts to cover up misconduct and reprisals against whistleblowers

For the avoidance of doubt, misconduct in research includes acts of omission as well as acts of commission.

8.5.2 All members of the University have a duty to formally report misconduct in research.

8.5.3 Allegations of misconduct in staff research should be made in writing to the Human Resources Office.

8.5.4 Allegations of misconduct in staff research will be investigated in accordance with the *Procedure for the Investigation of Misconduct in Research*, published by the UK Research Integrity Office, as closely as is practicable and prioritizing the principles of:

(i) Fairness
(ii) confidentiality
(iii) integrity
(iv) prevention of detriment
(v) balance

8.5.5 Where a case of misconduct in staff research is found to exist, this may lead to disciplinary action.

8.5.6 The process by which research misconduct or accusations of the same are dealt with follow a transparent process as described by

the UKRIO[17].

8.5.7 Misconduct in student research will be dealt with in accordance with the Student Handbook.

8.5.8 Professional codes of practice and guidance: Researchers should ensure that their research accords with any professional codes of practice and/or ethical guidelines relevant to the subject domain of their research. For research projects that fall within the domain of the NHS, researchers must ensure that they conform with NHS requirements and protocols.

[17] *Code of Practice for Research: Promoting good practice and preventing misconduct* http://www.ukrio.org/what-we-do/code-of-practice-for-research/ and *Procedure for the Investigation of Misconduct in Research* http://www.ukrio.org/what-we-do/procedure-for-the-investigation-of-misconductin-research/

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