

CODE OF PRACTICE ON RESEARCH ETHICS

INTRODUCTION

Norwich University of the Arts has a responsibility for ensuring that the research conducted by its staff and students maintains the highest possible standards of integrity, is conducted in accordance with the law, and is consistent with best practice.

This Code provides guidelines on the standards of research conduct required by all staff and students engaged in research, scholarly activity and consultancy at Norwich University of the Arts. Failure to comply with the provisions of the Code may constitute grounds for disciplinary action.

The code is linked to the following NUA policies and regulations, available on the University intranet:

Child Protection Policy
Communication Policy
Data Protection Policy
Freedom Of Information Act: Guide to Information
Health, Safety and Environmental Health Policy
Intellectual Property Policy and Regulations
IT Acceptable Use Policy
Records Management Policy
Single Equality Scheme and Action Plan
Staff Handbook on Employment
Student Regulations and Procedures
Under 18 Policy

1 DEFINITION OF RESEARCH

1.1 The definition of research used by the University is based on the Frascati model of research. The Frascati handbook can be downloaded from the following URL:
<http://browse.oecdbookshop.org/oecd/pdfs/free/9202081e.pdf>

1.2 The definition of research includes the following:

- **Scholarship:** the analysis, synthesis and interpretation of ideas and information. Boyer's definition of scholarship (1990) includes: the scholarship of discovery; the scholarship of integration; the scholarship of application; and the scholarship of teaching.
- **Basic research:** work undertaken to acquire new knowledge without a particular application in view.

- **Strategic research:** work that is carried out to discover new knowledge which might provide for future application.
- **Applied research:** work that is undertaken to discover new applications of existing or new knowledge.

1.3 For the purposes of the Code of Practice on Research Ethics the following will also be included:

- **Consultancy:** the development and interpretation of existing knowledge for specific applications.
- **Professional practice:** the interpretation and application of knowledge within a professional setting.

2 Guiding Principles

2.1 The guiding principles of this Code of Practice on Research Ethics are **non-maleficence** and **beneficence**, indicating a systematic regard for the rights and interests of others in the full range of academic relationships and activities.

2.2 **Non-maleficence** is defined as the principle of doing, or permitting, no foreseeable harm including infringement of rights as a consequence of the research. It is the principle of doing no harm in the widest sense. **Beneficence** is the requirement to serve the interests and well being of others, including respect for their rights. It is the principle of doing good in the widest sense.

3 Obligations, Rights and Responsibilities

Legal and procedural requirements

3.1 Researchers should comply with the legal requirements and possible repercussions associated with a piece of research. The Data Protection Act, the Computer Misuse Act, the Equality Act 2010, the Race Relations Act, the Obscene Publications Act and the Human Rights Act are likely to be particularly relevant, along with relevant legislation on Disabilities, Health and Safety and Animal Rights.

3.2 Researchers are expected to comply with the Norwich University of the Arts Code of Practice on Research Ethics. Research should conform to the University's policies on Health and Safety and Equal Opportunities. Where appropriate a risk assessment should be conducted at an early stage to ensure the protection of all participants in the research on the advice of the Health and Safety Advisor.

3.3 Researchers should abide by the Code of Ethics of any professional body or subject association of which they are members. They should also be aware of any Code of Ethics, which applies to potential and actual collaborators on the project and/ or other participants. Where the location of the research is external to the University it is essential that the regulations, procedures, practices and guidelines, which are relevant in these situations, are

taken into account.

General principles

- 3.4 Researchers must not compromise the overriding principles of non-maleficence and beneficence, legal obligations and any pre-existing rights in the conduct of research.
- 3.5 Researchers must weigh up the potentially conflicting risks and benefits of a particular piece of research. An example might be the potential conflict between human welfare and animal welfare.
- 3.6 Researchers should consider the principle of justice and the fair treatment of participants in research. The researcher may be required to make judgments about the essential fairness of the activity and to ensure that the interests of all participants, whether directly involved or indirectly involved, are taken into account.
- 3.7 Researchers should consider the ethical implications of the research and the physiological, psychological, social, political, religious, cultural and economic consequences of the work for the participants. Researchers should be sensitive to different religious beliefs when conducting the research.
- 3.8 Where the researcher is not fully competent or sufficiently informed to make a fair judgment about the conflicting needs and interests of direct and indirect participants, it is essential that specialist advice is sought (see procedures below).

a) Informed consent

- 3.9 Ethical conduct in research demands respect for the rights of others who are directly or indirectly affected by the research. Both the physical and the personal autonomy of human participants should be respected. Participation in the research should be on the basis of fully informed consent and participants' rights of privacy should be guaranteed. Written consent should be obtained where appropriate. There should be no coercion of any kind. Equally, the means by which participants are recruited should be carefully assessed in relation to possible rewards for participation.
- 3.10 Prior to gaining informed consent the researcher should ensure that participants are fully informed of the nature and the purpose of the research well in advance of the work to be carried out. Where there is marginal participation in the research by third parties, for example members of the public in an observer capacity, or where groups of people are involved, informal consent might be more appropriate than formal consent.
- 3.11 Where participants are not in a position to give informed consent, the researcher should have regard to the advice of the Royal College of Physicians (1990) and the Royal College of Psychiatrists (1990). English law may not currently permit guardians/ parents to give consent on behalf of mentally incapacitated adults in certain matters. Researchers should seek advice as to whether they need to obtain a declaration from the court that the proposed research procedures are lawful.

3.12 Young persons over the age of 16 are generally thought to be able to give informed consent but it might be appropriate to seek advice depending on the nature of the work. Research involving children under 16 will require the informed consent of parents, carers or guardians. Notwithstanding the fact that parental consent has been obtained, primary responsibility for safeguarding the rights of the child remains with the researcher.

3.13 Where the nature of the research is such that informing participants before the work is carried out might render the results invalid, for example within aspects of the social and cognitive sciences such as perception, there must be appropriate explanations following the study. In these circumstances, justification for this course of action is required to be submitted for approval to the Research Committee or the Research Degrees Committee. Researchers must provide convincing reasons why such research should proceed without the necessary informed consent. Researchers should not mislead participants if it is thought that prior permission will not be obtained.

b) Confidentiality and data protection

3.14 Participants' confidentiality and anonymity should be maintained, and their personal privacy protected. The identity of participants should not be revealed unless written permission is obtained prior to the research being carried out.

3.15 The collection, storage, disclosure and use of research data by researchers must comply with the Data Protection Act 1998. Researchers should be aware of the risks of identification and breach of privacy and confidentiality posed by all kinds of information storage and processing, including computer and paper files, e-mail records, photographic material, audio and videotapes and any other information in which an individual is named, or from which an individual could be identified.

c) Animal rights

3.16 Research, which might involve animals at the University, is not likely to involve intrusive or invasive procedures. However, researchers should avoid animal suffering of any kind and should ensure that proper animal husbandry practices are followed. Researchers should show respect for animals as fellow sentient beings.

d) Research undertaken in public places

3.17 Researchers should pay particular attention to the implications of research undertaken in public places. The impact on the environment will be a key issue. Researchers must observe the laws of obscenity and public decency. Those engaged in research should also have due regard to religious and cultural sensitivities.

3.18 The researcher will need to balance the parameters of academic freedom and free speech with their responsibilities to the community.

e) Academic Integrity

- 3.19 The general principle of integrity should inform all research activities. Honesty should be central to the relationship between researcher, participant and other interested parties. Research outputs should contain acknowledgments of the work of others as appropriate. Particular care should be exercised in acknowledging the work of research students. Joint ownership of work by students and supervisors should only occur when the supervisor has made a substantive contribution. Issues arising from industrial placements and the protection/ registration of materials should also be considered.
- 3.20 Participants and other relevant stakeholders should be offered access to a summary of the research findings. Research reports should be truthful, accurate and demonstrably the work of the author concerned.

f) Contractual responsibilities

- 3.21 The terms of any contract relating to research must not compromise the overriding principles of non-malficence and beneficence, legal obligations and any pre-existing rights.
- 3.22 The terms of research undertaken on behalf of a sponsor must be agreed in advance. Terms will include the specification of the research project, the roles and responsibilities of the researchers, the University and the sponsor and agreement on the dissemination and exploitation of the research outputs. The need for confidentiality or non-disclosure agreements must be negotiated in advance. Issues of pre-existing rights and other legal issues should be clarified in advance with the Chair of the Research Committee or the Chair of the Research Degrees Committee.
- 3.23 There should be a clear agreement on intellectual property rights.
- 3.24 Terms and conditions of research contracts should be clarified with all participants with particular regard to copyright, rights to publications, prior disclosure and disclosure of information, remuneration and any other benefits.
- 3.25 The researcher should furnish the sponsor with research reports and other deliverables as agreed in the original contract.

4 Procedures for Implementation

- 4.1 The Code of Practice is applicable to all research irrespective of funding or location of the research undertaken and applies to all researchers employed by or closely associated with the University. It applies equally to staff and students, and specifically forms part of the terms and conditions of service of all academic staff.
- 4.2 It is the responsibility of all researchers to ensure that the research undertaken meets the requirements of the Code and is not in breach of it at any stage. All primary researchers should seek advice, in the first instance, from the Chair of the Research Committee or the Chair of the Research Degrees Committee who have overall responsibility for research leadership in the University. Where students are the primary researchers, they should also seek advice from their Director of Studies or Course Leader.

- 4.3 If there are any ethical dimensions to the research, a student must complete the ethics section of the student research degrees form or, in the case of staff, the Research Ethics Approval form, and furnish details of the methods and procedures to be adopted in undertaking the project. Further guidance on ethical dimensions and areas of potential breach of the Code may be found in Annex 1.
- 4.4 The relevant University research body (Research Committee for staff and Research Degrees Committee for research students) must consider the researcher's application first. That body may ask the researcher to make changes to the project. Once the University research body is content with the application, it may refer the project to the University of the Arts London's Research Ethics Sub-Committee for decision.
- 4.5 If participants are involved, the researcher will need to obtain prior consent unless there are special circumstances as detailed in 3.11 above. A Participants' Consent Form and Information Sheet should be attached to the application form. These should include information on the right of the participant to refuse to participate or to withdraw from the project at any time and for any reason without prejudice to either party.
- 4.6 The application form will require details on the risks and potential benefits of the research.
- 4.7 The researcher should explain how confidentiality, anonymity and privacy shall be maintained.
- 4.8 Only unusually, in cases of possible doubt, the Research Committee, the Research Degrees Committee or the University of the Arts London's Research Ethics Sub-Committee will conduct interviews with proposed researchers/ interested parties in order to provide further clarification.
- 4.9 In cases where the Committees or the Sub-Committee does not grant approval, researchers may be asked to re-structure the research project for re-submission.
- 4.10 A failure to disclose information in a timely fashion to the relevant University research body or to the University of the Arts London's Research Ethics Sub-Committee or the relevant Chair may constrain a researcher's ability to continue with the identified project and in the case of a student may inhibit his/ her progression and qualification.
- 4.11 All researchers are expected to abide by the decision of the relevant University research body or the University of the Arts London's Research Ethics Sub-Committee. Research projects may be monitored, and can be called in for review at any time by either the relevant University research body or the University of the Arts London's Research Ethics Sub-Committee.
- 4.12 If a member of staff wishes to appeal against the decision, the mechanism is the staff grievance procedure.
- 4.13 In the case of a student application, where the Sub-Committee rejects the application completely or where the student does not wish to comply with a particular requirement of the Sub-Committee, the following process will apply.

The proposal will be reviewed by the Chair of the University of the Arts London's Research Standards and Development Committee, one member of the Research Degrees Sub-Committee and one member of the Research Ethics Sub-Committee who has not dealt with the application. The quorum of the Committee in these circumstances will be two. To ensure fairness, membership will not include committee members who have previously been involved with the application. If students have any problems lodging a request for review or any other concern, they may use the standard complaints and appeals system.

ANNEX 1 TO CODE

GUIDANCE ON ETHICAL DIMENSIONS AND POTENTIAL AREAS OF BREACH OF THE CODE

Researchers should consider the parameters of their intended research and its potential impact. Should any of the following elements be involved, then the research is likely to have an ethical dimension and approval must be obtained from the appropriate University research body and, in certain circumstances, the University of the Arts London's Research Ethics Sub-Committee.

An indicative list of those affected by potential risks follows:

- **Active involvement of other participants**
- **Passive involvement of other participants**
- **Colleagues and staff within other higher education institutions**
- **Members of the public**
- **Children and young persons**
- **Animals**
- **External bodies**

Potential influencing factors:

- **Potential adverse impact on the environment**
- **Moral obligations**
- **Legal liabilities**
- **Insurance**
- **Health and safety**

ANNEX 2 TO CODE

DEFINITION OF RESEARCH INVOLVING MORE THAN MINIMAL RISK AND CRITERIA FOR CHAIR'S ACTION – UNIVERSITY OF THE ARTS LONDON'S RESEARCH ETHICS SUB-COMMITTEE (Research Students only)

1. The following research would normally be considered as involving more than minimal risk and therefore would require the approval of the University of the Arts London's Research Ethics Sub-Committee:
 - Research involving vulnerable groups, for example children and young people under 18, those with a learning disability or cognitive impairment, or individuals in a dependent or unequal relationship.
 - Research involving sensitive topics such as:
 - Sexual behaviour
 - Illegal or political behaviour
 - Experience of violence, abuse, exploitation and/or other racist or sexist behaviour
 - Mental health
 - Physical health and treatment
 - Research involving groups where the permission of a gatekeeper is normally required for initial access to members e.g. ethnic or cultural groups, native peoples or indigenous communities
 - Research involving deception or which is conducted without participants' full and informed consent at the time the study is carried out
 - Research involving access to records of personal or confidential information concerning identifiable individuals
 - Research which would induce psychological stress, anxiety or humiliation or cause more than minimal pain
 - Research involving intrusive interventions such as vigorous physical exercise. Participants would not normally encounter such interventions, which may cause them to reveal information which causes concern, in the course of their everyday life
2. In urgent circumstances and where the Sub-Committee may be unable to meet, the Chair of the University of the Arts London's Research Ethics Sub-Committee in consultation with two other members is authorised to consider and deal with applications involving more than minimal risk. However this is discretionary and not prescriptive.
3. In all other cases applications for research ethics approval should be considered by the University's Research Degrees Committee.
4. The Chair of the University of the Arts London's Research Ethics Sub-Committee is authorised to consider and deal with applications for research ethics approval where the potential for risk of harm to researcher and participant is minimal provided the Chair is satisfied that the application is urgent due to unforeseen circumstances.
5. All applications dealt with under Chair's action must be reported to the next University of the Arts London's Research Ethics Sub-Committee for information.