

Ethics Case Studies

1. Conflicts of Interest

A senior researcher suggests a potential partner for an upcoming consultancy project. This partner is an organisation specialising in the field of focus, and the PI is very interested in working with them. Your colleague does not disclose that their life partner manages the organisation in question, but you are aware of this.

- *Is this a potential conflict of interest? Yes - University understands conflicts of interest as relating to financial/institutional/academic/political/personal interests (amongst others) have the potential to impede or be seen to impede the validity/integrity of work. Working with this organisation could potentially damage the reputation of the project or University, as well as those involved. It will also unfairly benefit the organisation in question, with the choice being made based on connections rather than merit.*
- *Ask what attendees understanding of 'conflict of interest' is: highlight that this is a common area of confusion and it is always best to ask and declare - consider how partnerships etc might appear (the perception of conflict brings reputation into question) - indirect interests count as conflicting too (ie in the case of a spouse/partner...).*
- *How should it be dealt with? Report concerns to PI (as they are unaware of the issue) but also to HoD as a matter of course (responsibility of HoD to be aware of and manage potential conflicts on interest - but ultimately responsibility of the individual to identify and declare conflicts of interest).*

2. Cause for concern arising in conversation with administrative colleague

You are discussing work with a colleague who is also a personal friend. They have been working with a researcher on a project which involves a series of interviews with adults and children, and mention in passing that one of these interviews was completed prior to ethical approval for the project.

- *Is this misconduct? Yes – ethical approval must be granted prior to the research taking place*
- *Would you address your friend directly, and how? Be aware that it is not their duty to solve the issue but they have a responsibility to report it (also have a responsibility to be aware of University policy and therefore should have known this was an issue) – you also should report it as you are now aware of the potential misconduct, so let HoD and the DEC Chair know.*
- *Does it matter that it was only one interview? No – still misconduct and still counts*
- *What are the possible consequences of this? Best case scenario is the pre-approval interview is required to be withdrawn and not allowed to be used in the research – is still misconduct so formal proceedings/investigation and consequences of this – if you or colleague don't report you will also have committed misconduct and will be caught up in it (allegations of misconduct must be appropriately dealt with).*

3. Funders

A researcher submits a draft funding application to you, asking for help developing the impact and management sections of the application. In your reading, you notice the funder is one you understand to have links to the tobacco industry. Working with tobacco is explicitly forbidden under University policy, and doing so will risk the funding the University receives from funders such as Cancer Research UK. What is the best course of action here?

- *Where should this concern be referred to? Inform the researcher, also let HoD/DEC know as soon as possible. This is a draft application and so can be halted, but must be properly examined. Inform RSPO - PVC-R must know about this to ensure effective action.*
- *Why is this an issue? Potential for funders i.e. Cancer Research UK to withdraw funding from all projects across the University it is involved with in the case that tobacco-industry funding has been accepted. Similar policies with other funders i.e. will not fund projects connected at all to tobacco.*
- *How might you check your understanding of the funder is correct? A 'tobacco company' is any involved in the development/production/marketing/promotion/sale of tobacco products (this can include e-cigarettes) or is a subsidiary/affiliate of such a company - refer also to RSPO for further clarity - is the responsibility of a researcher to check for this but if you become aware you need to raise it.*
 - *Check with peers*

4. Collaborative work

A researcher begins the process of collaborating on a piece of research with a colleague based abroad. They ask for some guidance on how ethical approval will work in this situation.

- *What is the University position on this area? University position is that – ethical review should be conducted at the University of York, even when this is in addition to review by another institution (however when the partner institution is another “research intensive UK HEI” this may not be needed – depending on nature of work DEC may recommend additional internal review – when relying on another UK HEI, the DEC should be informed in a “timely fashion” and the decision recorded).*
- *Where might you find the relevant information? We have a ‘code of practice and principles for good ethical governance’, ‘policy on working with outside bodies’, and a University ‘code of practice on research integrity’ – all available on University webpages under ‘Research Policies and Code of Practice’- can speak to ethics chairs/RSPO if unsure (best to ask)*

5. Overseas research

You are helping a researcher develop a grant application for research which takes place overseas, which will involve interviews with non-vulnerable adults about the political situation in the area. He intends to anonymise the data. The researcher does not believe separate ethical approval is needed beyond that provided by the University, and is reluctant to begin the process. You know this is not the case and inform the researcher, but he does not accept this information and continues as planned.

- *What can you do in this situation? You have the authority to halt this and tell the researcher he must comply with ethical governance at the University - policy demands he gain all relevant ethical approval prior to commencing research - including that of foreign countries he conducts research in. His applications cannot be processed or approved until this is in place. Register concerns with CDEC/CDRC.*
- *Where does responsibility lie? It is the responsibility of the lead researcher/PI to ensure ethical review is completed appropriately, but here you also have a responsibility to report this concern in order to avoid potential damage to the University.*
- *What are the possible consequences? If the researcher ‘sees sense’ and conducts further ethical review prior to commencing research, the situation could potentially be resolved (depending on timing, a second University of York review may be needed) – otherwise, the*

research will lack ethical approval and may be barred from publication. This is also a misconduct issue, leading to formal proceedings/investigation.

6. Animal research

You have concerns that a researcher is using zebrafish without an appropriate licence. The researcher in question is based in Biology but does the majority of their research on marine plants, and you believe they have stumbled onto this interest in zebrafish. They do not currently have an externally- based project on this topic, nor are zebrafish the topic of their work. You are aware this is an issue but are unsure of the next steps.

- *What is needed to conduct research on animals? Use of animals in research is regulated by Animals Act (1986) and involves a strict licensing system – need an establishment licence, a project licence, and a personal licence – compliance is closely monitored i.e. regular and often unannounced inspections. Projects need ethical approval from York and approval from the Home Office – based on 3Rs (replacing, refining, reducing use of animals).*
- *Who can you speak to about your concerns? Establishment licence is held by member of University management, with a named person to act on their behalf (‘Named Veterinary Surgeon’ and ‘Named Animal Care and Welfare Officer’) – speak to these people – animal research at York also regulated by AWERB and so can refer concerns here – RSPO/PVC-R should be informed as well as HoD as a matter of course.*
- *What are the potential consequences of this? Improper research involving animals is a serious matter (Home Office involvement in licensing etc) - potential criminal charges as work took place in contravention of the Animals (Scientific Procedures) Act (1986) - obviously also a misconduct issue...*

7. Necessity of ethical review

A researcher is planning a project looking at comparative historical representations of immigrants following the First and Second World Wars respectively. This work will not involve interviews or direct contact with individuals, and as such the researcher does not believe ethical approval is needed. The project is internally-funded, but it is hoped its conclusions will have high impact for local and national media, and will be reported on widely as a topical piece of research.

- *Are you convinced that this project does not require ethical review? Ethical review is about avoiding emotional/psychological harm as well as physical, and should take into account the University, associated staff, and the public (amongst other groups...). There is potential in this project to cause harm – there could be reputational damage depending on how the topic is picked up in the media, or members of the public may be negatively affected by the issues raised. Ethical review should be conducted to mitigate potential harm.*
- *What other issues might be raised in the research that would require ethical review? Need to consider how the work and issues raised within could be used by the media (sensitive topic with potential to harm), publication of historic stereotypes may cause emotional distress, copyright over images/materials needs to be assessed and storage of this data must be checked for compliance.*
- *Where might you refer this to for further guidance? Speak to DEC/HoD in order to flag up the concern, remind the researcher you are unable to process his work until the matter is resolved, refer to Code of Practice and Principles for Good Ethical Governance for policy guidance.*

8. Ethics and legality

You are supporting a researcher in developing a project for the Ministry of Defence. All interests have been declared appropriately and ethical review is currently being completed. The research is intended to address one specific issue faced by MoD engineers, but may be used in the future in other areas relating to defence. These include drone technology, surveillance, and the development of MoD vehicles. The PI is content that these potential uses are ethical by virtue of being legal – what would you advise?

- *Does legal equal ethical? No – things can be both legal and ethical, but there may be times where something is legal but not necessarily the ‘right’ thing to do - in the case of research it is helpful to think beyond a legal checklist and consider fully the implications of projects.*
- *What factors might we consider? be aware that the PI has an ethical duty to consider harm caused to the University community and reputation, which could be damaged by the use of this research, or the reaction of the public to the work.*
- *Is there a way to mitigate possible harm caused by the research? Potential to include a clause in the contract specifying accepted uses of research (and how this is judged), with a note stating that uses deviating from this list needs approval of certain named individuals and the DEC or UEC. Ensure those making decisions are fully aware of wider ethical issues associated with the area (i.e. beyond legality).*

9. Misconduct processes (UKRIO Case Studies April 2015)

A technician has raised concerns about the research practices of a Professor in his department. In response the Professor has questioned the competence of the technician, and has sought help from her professional body, who have hired a solicitor to represent her.

The technician is not part of a trade union or similar body. Prior to the Professor obtaining a solicitor, the University body responsible for misconduct investigations had decided to proceed to a full investigation.

- *How should the University proceed? The decision to conduct a full investigation should not be affected by the decision to hire a solicitor. The claim of incompetency regarding the technician is not for the judgement of those investigating misconduct – it may be relevant in terms of establishing context, but the allegation should be judged based off evidence (the technician could be incompetent and still correct about this, for example). The professor is entitled to bring a work colleague or trade union representative to meetings, however legal representation is not permitted at these under the Research Misconduct procedure.*
- *Are there other factors to consider regarding the relationship between the individuals involved? Power issues are present here – those involved should be sure to treat both parties fairly and ensure the technician is not penalised for raising a concern in good faith (if the allegation is not confirmed, the Professor also should face no negative consequences). York encourages staff to speak up, and will protect those who come forward. The technician should also be made aware that they are able to bring a colleague to meetings, even when not a member of a union/professional body.*

10. Doubt

You have just started a new role as a research administrator in a department you do not have a strong background in. Whilst reviewing material provided by a senior academic regarding a current project in order to aid with a grant application, you notice the data represented in the formal

request does not match that presented in the notes of the academic. You are concerned the data is being misrepresented to increase the chances of acceptance, but are aware of your own lack of experience in the field and doubt yourself. What is the best way to handle this situation?

- *Is talking directly to the academic the best option? There is value in querying this with the academic first before escalating, but be aware of your options. It is best to record your concerns (i.e. do this by email with HoD/CDRC/CDEC copied in for clarity).*
- *Who is available in your department or team for confidential talks of this nature? The University places great importance on honesty and integrity, and there are channels you could make use of in this case. You can refer in the first instance to a Line Manager or senior colleague, and can reach out to HR if needed. If your concern was about your Line Manager or the department as a whole (or if it was a very severe concern) you can report directly to the University Registrar.*
- *What would your concerns be if it turns out your worry was unfounded, and the figures were right after all? The University is very clear that concerns raised in good faith will not be punished, and those raising issues will be kept anonymous as far as possible. It is always best to raise concerns, even when in doubt, in the interests of research integrity.*

11. Time-sensitive request

A colleague sends a request for some data to back-up a confidential report she is writing, and attaches the report for context. The deadline is in a few days, and she just needs the last few pieces of information before circulating it to relevant high-level staff members. You are able to provide the data, but when reading the report to check your understanding of what is needed, you notice several figures which do not seem right. On further investigation, you find they are at odds with previously-published (and publically available) University reports, and as a result overstate the success of your colleague's department. The data request was time-sensitive, and raising the issue may mean the report is late or delayed indefinitely.

- *What is the best way to deal with this? Would you approach your colleague first, or inform someone higher up? Or both? Cannot ignore it – may decide to query it with the colleague first via email, or take higher-up for reassurance.*
- *What is your responsibility here? Again you don't have to solve it but you have a duty to flag it up if you have a concern.*
- *Raising the issue would cause disruption – does this affect your response? May affect it in so far as when you ask i.e. would ask as soon as possible and make sure anyone else involved is aware of the timeline – but shouldn't stop you asking after the inconsistency.*
- *What other issues are present in this situation? Colleague sent you a confidential report from another department (may not be authorised to view it, issue of ethics/policy).*

12. Research Suppression

A researcher working on an externally-project into a new potential antibiotic has found her work has not yielded the positive results her hypothesis needed. She has realised if she uses a small subset of the data and eliminates anomalous results, she can still support her original hypothesis. She produces this work without declaring the rest of the data, which contradicted what she had hoped to find. She has asked for your help preparing a proposal for future work based on this data, and mentions with pride how she was able successfully rework her material.

- *Is this misconduct? Yes - University policy on research misconduct specifically forbids the misrepresentation of data (suppression of relevant findings and/or data, or knowingly, recklessly or by gross negligence, presenting a flawed interpretation of data).*
- *Is it unethical? Yes - is an example of research without integrity, is dishonest and works against University values of transparency, rigour, accountability. Consider the wider effects of producing inaccurate research and the harm this may cause (to the University if it got out, to individuals whose use of the antibiotic may depend in part on inaccurate research, to the wider academy in producing unreliable results).*
 - *Ethics is related to misconduct but also extends beyond it.*
- *Is it 'less bad' that the researcher does not appear to have done this maliciously? Still misconduct and unethical (University policy/guidelines cover reckless and negligent violations) - but lack of malice may point to the possibility such an attitude from the academic could be addressed through further training.*
- *How would you react to this? Improper dealing with research misconduct is also misconduct - ultimate responsibility is on the PI but if you are aware you are also required to react appropriately to such information - line manager should be made aware as should CDEC and CDRC.*