University of Essex
Code of Good Research Practice

A. Scope and Principles

1. The mission of the University is one of excellence in education and research, for the benefit of individuals and communities. Our aim is to produce new knowledge from research that is open and conducted with integrity, carried out by researchers who are ambitious creative and collaborative.

2. Our vision of Essex researchers is one of activists, advocates, change-makers, innovators, reformers and disruptive thinkers. Curiosity, tenacity, social action and impatience for change define our 'Essex Spirit'. Our diverse community and international profile create an outward looking research culture underpinned by our values of inclusion and responsibility, academic freedom, respect, trust and evidence-based rigour.

3. The University is committed to undertaking high quality research in an environment of high standards of research integrity, governance and good practice. We seek to operate an open research environment, enabling access to, and sharing and replication of our research.

4. Whilst seeking excellence and applicability in what we do we are also conscious of the need to enable and encourage good practice in research, as embodied in this Code of Good Research Practice. We seek to ensure that our research vision, strategy, operational plans, resource deployment and performance monitoring all take account of our commitment to research integrity and do not introduce inappropriate or perverse incentives.

5. The University uses the Frascati definition of research (OECD, 2015), as employed across the sector and internationally:

    > Research and experimental development (R&D) comprise creative and systematic work undertaken in order to increase the stock of knowledge – including knowledge of humankind, culture and society – and to devise new applications of available knowledge.

    To qualify as R&D, an activity must be all of the following: novel; creative; uncertain; systematic; transferable and/ or reproducible. The term R&D covers the following three activities:

    > **Basic research**: experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundation of phenomena and observable facts, without any particular application or use in view.

    > **Applied research**: original investigation undertaken in order to acquire new knowledge. It is, however, directed primarily towards a specific practical aim or objective.

    > **Experimental development**: systematic work, drawing on knowledge gained from research and practical experience and producing additional knowledge, which is directed to producing new products or processes, or to improving existing products or processes.

6. The Frascati Manual lists situations where certain activities are to be excluded from R&D except when carried out solely or primarily for the purposes of an R&D project. These include:

    i) routine testing and analysis of materials, components, products, processes, etc.;

    ii) feasibility studies;

    iii) routine software development;

    iv) general purpose data collection.

7. Activities that do not meet the Frascati definition but which involve the collection of human or animal data, or which require ethical or similar approval are also subject to the requirements of this Code. All other activities are also subject to any relevant legal, regulatory and professional or subject good practice requirements.

8. The University seeks to meet the requirements of the Concordat to Support Research Integrity (Universities UK, 2019) and draws on other relevant Concordats, guidance and professional standards, as appropriate (see Section F for details of policies, legislation, standards and other relevant references and materials). This Code of Good Research Practice sets out the standards for conduct expected of all staff, students and others associated with the University (i.e. including visiting researchers, emeritus staff, associates, honorary or clinical contract holders, contractors and consultants) who are engaged in or who support our research ('researchers') in and / or for the University whilst they are doing so.

9. Researchers should always:

    i) Demonstrate integrity, professionalism, honesty, rigour, transparency and open communication.

    ii) Observe fairness and equity.

    iii) Avoid, or declare and manage, actual or potential conflicts of interest.

    iv) Show care and respect for all participants in, subjects, users and beneficiaries of research including humans, animals, the environment and cultural objects (those associated with or involved in the research).

    v) Observe all legal, regulatory and ethical requirements laid down by the University or other statutory bodies.

10. Research methods, results, outputs and data should, subject to appropriate confidentiality in relation to personal or commercially-protected information, be open to scrutiny, debate, sharing, further analysis and re-use. It is the expectation that those data arising from research will be managed well and archived to allow prompt and appropriate sharing.

11. Researchers should ensure that they understand and comply with this Code, including the declaration of interests (see Section D.12). Researchers should also ensure that they are aware of and abide by other relevant University policies, such as those relating to equality, diversity and inclusivity, harassment and bullying, and health and safety. Any breach of this Code or of related policies as applied to research will be investigated on a case by case basis under the University's Procedure for the Investigation of Allegations of Misconduct in Research or the Academic Offences Procedures for students, as appropriate (see Sections C and E).

12. The University will:

    i)   Maintain a research environment that develops good research practice and embeds a culture of research integrity, enabling researchers to act according to the expected standards, values and behaviours.

    ii)   Provide training on research ethics and research integrity with suitable learning, training and mentoring opportunities to support the development of researchers' skills throughout their careers.

    iii)   Seek to ensure sustainability of its research, be that economic, environmental, academic, human, animal, physical or digital.

    iv)   Publish an annual statement on research integrity.

    v)   Periodically review research practice and culture to ensure that practice remains fit for purpose.

B. Responsibilities

B.1 Organisational Bodies

13. Council, as the governing body of the University, monitors institutional effectiveness including the application of the Code and its principles, primarily through the Annual Research Integrity Statement. It also receives updates and advice from the University Steering Group, as appropriate.

14. The Senate is responsible for the academic direction of the University and for the conduct of academic activities. It promotes good practice and innovation in scholarship, research, and learning, teaching and assessment.

15. The Research Committee develops and invigorates research and knowledge exchange activities at the University, encouraging cultures and activities that are consistent with the University's mission. It acts to promote and exchange good practice in relation to the development of researchers.

16. The Research Committee is responsible for policy on and oversight of all areas of research governance and integrity, including good practice, risk management, and handling of misconduct. It provides reports, including the Annual Research Integrity Statement, to Senate and thence to Council.

17. The Ethics Committee is responsible for policy on and oversight of human and animal ethics and for considering and approving all research projects and activities involving human subjects, tissues or data, and for those involving animals that do not fall under the Animals (Scientific Procedures) Act 1986. It is also responsible for ratifying any projects subject to external ethical approval. It reports directly to Senate.

B.2 Individuals

18. The Pro Vice-Chancellor (Research) is the University's officer with lead responsibility for research and knowledge exchange and its conduct. The PVC (Research) chairs the Research Committee and seeks to promote and foster a culture of professional integrity in research practice.

19. All research projects, including internally funded projects, must have a designated individual identified as having responsibility to the University for the project. This will typically be the member of staff who is the Principal Investigator of the project or the lead supervisor of a student undertaking research.

20. All researchers have a personal responsibility to undertake research to the highest standards of integrity, governance and ethical practice, in compliance with this Code. All researchers should seek to work in an open and professional manner. Students registered for a Research Degree are also subject to the Academic Regulations of the University and the relevant Codes of Practice. Students must therefore be aware of and abide by those Regulations and Codes.

21. Executive Deans, Heads of Department (and other line managers, as relevant) have a responsibility to ensure that staff and student researchers in their Departments pursue the highest standards of research integrity, governance and ethics in compliance with the Code whilst seeking to foster a culture of openness and professional integrity in research practice. Faculties and Departments will draw attention to the Code in their induction processes for newly appointed staff and for students at an appropriate point in their studies. Executive Deans and Heads of Department should actively ensure that researchers receive adequate management, guidance and training to ensure compliance with the Code. Dedicated mentoring should be offered on any particular area where the researcher requires support.

22. Principal Investigators and others with a designated research leadership or management role, have a responsibility to ensure that the highest standards of research integrity, governance and ethical practice are met, that research activities are undertaken in compliance with the Code by staff and students under their supervision, and to seek to foster a culture of openness and professional integrity in research practice. Principal Investigators are responsible for creating and maintaining a safe, open and collaborative working environment, which should include being clear about processes in place that allow people to raise issues of concern, notably in relation to bullying and harassment or research misconduct. Principal Investigators should actively ensure that Early Career Researchers receive adequate management, guidance, and training to ensure compliance with the Code. Dedicated mentoring should be offered on any particular area where the researcher requires support.

23. Supervisors of students engaged in research have a responsibility to ensure that students under their supervision meet the highest standards of research integrity, governance and ethical practice in compliance with the Code, and seek to foster a culture of openness and professional integrity. Supervisors of students have a special responsibility for ensuring that they provide guidance on the ethical principles that underpin research and that they provide appropriate support to their supervisees in submitting ethics review applications of a standard necessary to commence research. Supervisors shall ensure that their students receive on-going support (including training) to conduct research in compliance with the Code and will direct students to any additional training or support that may be required. Supervisors of doctoral students need to meet the criteria and training requirements of the Academic Regulations and Codes of the University, and to be aware of and abide by those Regulations and Codes.

24. The Concordat to Support the Career Development of Researchers emphasises that researchers should take a proactive role in their own personal development. Researchers must ensure that they undertake appropriate training to enable them to meet these requirements. As well as taking advantage of the range of training and development opportunities provided across the University, research students are required to attend workshops in core skills, including research integrity and ethics.

C. Operation of the Code of Good Research Practice

25. It is a condition of conducting research under the auspices of the University that practice conforms to this Code. Failure by a researcher to comply with the provisions of the Code will be grounds for action to be taken under the University's Procedure for the Investigation of Allegations of Misconduct in Research ('the Procedure') or the Academic Offences Procedures for students, as appropriate. Alleged misconduct in research relating to doctoral level research or to a thesis that has been submitted for examination will not normally be investigated under the Procedure. Exceptions to this are as follows:

    i) Where a student is part of a wider team that is subject to allegations of research misconduct, the Procedure will be used to undertake the investigation, with the actions or penalties applying to the student being consistent with and carried out under the Academic Offences Procedures.

    ii) Where a student is also a member of staff undertaking a PhD in the context of their academic role or as a condition of employment, the individual will be considered to be a member of staff and the Procedure and all of its elements will apply in their case.

26. Allegations of breaches of the Code in taught postgraduate and undergraduate programmes will be considered under the University's Academic Offences Procedures.

27. This Code must be implemented alongside all other relevant policies and standards published by the University, as revised from time to time.

28. Where a researcher is in doubt about the applicability of the provisions of the Code, or about the appropriate course of action to be adopted in relation to it, advice should be sought from the Research Governance Team in the Research and Enterprise Office. All students should, in the first instance, seek advice from their designated academic supervisor.

D. Details of the Code of Good Research Practice

D.1 Principles of Research Integrity

29. The core elements of research integrity are reflected in the expectations of paragraph 5 above, and apply to all aspects of research throughout its lifecycle, including:

    i) Fundamentals of research work such as: upholding rigour aligned to accepted disciplinary norms and standards; maintaining professional standards; documenting methods and outcomes; questioning one's own findings; attributing and acknowledging honestly the contribution of others.

    ii) Leadership and co-operation in research groups.

    iii) Undertaking research with the highest standards of ethical practice and research integrity.

    iv) Taking special account of the needs of early career researchers.

    v) Sourcing, using, managing, storing and archiving data for research effectively and in compliance with relevant standards and policies.

    vi) Sharing research outputs and data appropriately and effectively and in line with the University's requirements for Open Access.

    vii) Undertaking research in line with University policies, legal and regulatory requirements, and the relevant professional codes of practice.

30. Researchers must be able to exercise freedom in their academic choices, and must therefore also accept responsibility for the decisions that they make. Thus, the primary responsibility for ensuring that they act in accordance with these principles in all aspects of their research work, including peer review, lies with the individual.

31. It is important that a culture of honesty and integrity in research is fostered and maintained in the University. At the heart of all research, regardless of discipline, is the need for researchers to be honest in respect of their own actions and in their responses to the actions of other researchers. This applies to the whole range of research work, including methodological and experimental design, conduct, generating and analysing data, practice as research, publishing results, acknowledging appropriately the direct and indirect contributions of colleagues, collaborators and others, and the translation and use of the results.

D.2 Legal, Regulatory and Ethical Frameworks

32. All research undertaken in, under the auspices of or for the University must abide by the relevant legal, regulatory, ethical and professional frameworks. Any special standards of work performance and ethical conduct imposed by law or by the University in relation to particular categories of research are deemed to be included in this Code.

33. Researchers must take responsibility for ensuring their on-going awareness of and compliance with relevant legislation (national and international where relevant) together with the ethical frameworks and standards of research set by the funders, scientific and professional bodies, and other relevant stakeholders.

34. In addition to receiving approvals to commence research through internal processes, researchers are required to follow any local regulations, Codes of Practice and Standard Operating Procedures pertaining to their work.

D.3 Research with Human Participants

35. In accordance with the University's Guidelines for Ethical Approval of Research Involving Human Participants, all research involving human participants must undergo an ethics review and ethical approval must be obtained before it commences. 'Human participants' are defined as including living human beings, human beings who have recently died (cadavers, human remains and body parts), embryos and foetuses, human tissue and bodily fluids, and personal data and records (such as, but not restricted to medical, genetic, financial, personnel, criminal or administrative records, surveys and test results including scholastic achievements)'.

36. If a project is to be undertaken outside the University where a local ethics procedure exists (e.g. within an NHS organisation, another university, the MoD), the University's Committee need not necessarily be involved. However, approval of the local committee must be sought and obtained before research commences and the Research Governance and Planning Manager must be provided with all documentation relating to the approval before the project commences. Whilst recognising the possibility of some minor variations in approach to take account of the organisational or national setting, similar standards of ethical conduct are expected from the other organisation's ethical approval processes.

37. Research using healthy volunteers as participants that requires medically-qualified supervision to ensure the safety of participants must comply with the Local Rules of operation. Details of requirements must be included in the application for ethical approval of the research.

38. The University expects that research with children, young people and vulnerable (or potentially vulnerable) adults will be planned and executed recognising requirements for awareness of safeguarding mechanisms supported by appropriate training wherever required.

39. Researchers should be aware of any specific considerations when the research is taking place outside the UK, in respect of any additional or different risks to participants.

40. Researchers should also be aware of and take into account the safety and wellbeing of themselves and other researchers, wherever the research is taking place.

D.4 Research with Animals

41. All research involving animals should have appropriate ethical approval and be undertaken in the context of the University Policy Statement on the Use of Animals in Research. The University does not hold a Home Office Licence under the Animals (Scientific Procedures) Act 1986. The Animals (Scientific Procedures) Act 1986 defines 'animal' as any living vertebrate other than man and any invertebrate of the species *Octopus vulgaris* from the stage of its development when it becomes capable of independent feeding. All animal research that is deemed to be invasive or which requires a Home Office Licence needs to be carried out at and in collaboration with another organisation.

42. Approval of the other organisation's ethics committee must be sought and obtained before research commences and the application and approval should be submitted through the University's ethics review system for ratification, before the project commences. Whilst recognising the possibility of some minor variations in approach to take account of the organisational or national setting, similar standards of ethical conduct are expected from the other organisation's ethical approval processes.

43. Where research involving animals does not require a Home Office Licence, e.g. observational studies or those involving animals not covered by the Act, the approval of the University's Ethics Committee is required.

44. Research undertaken by collaborative partners or on a contractual basis for the University is not exempt from these requirements, which should be included in any collaborative or contractual agreements.

45. Researchers should consider at an early stage in the design of any research involving animals the opportunities for reduction, replacement and refinement of any animal involvement.

46. The University expects that research involving animals, including by observation of normal activity, will be planned and executed recognising requirements for awareness of animal welfare and consideration of the animal's owner or keeper, if relevant. Where the owner or keeper is a child, a young person or a vulnerable (or potentially vulnerable) adult, appropriate safeguarding arrangements should be put in place.

D.5 Research using Genetic Resources and Traditional Knowledge

47. Any work that involves genetic resources indigenous to specific geographical areas and populations or the use of traditional knowledge associated with such genetic resources must comply with the Nagoya Protocol[1], a supplement to the Convention on Biological Diversity, which promotes the fair and equitable sharing of the benefits of research that uses genetic resources or related traditional knowledge. The Protocol includes obligations related to access, benefit-sharing and compliance, such as the prior informed consent from indigenous and local communities holding established rights, keeping in mind community laws and procedures as well as customary use and exchange. Adherence to the Protocol must be flagged and addressed in the institutional approval process.

---

[1] https://www.cbd.int/abs/about/

D.6 External Quality or Operating Standards

48. Some of the University's research is or will be subject to external quality or operating standards, such as GxP (Good Practice) or ISO standards. Good Practice requirements may include clinical, laboratory, manufacturing and veterinary clinical settings, amongst others. Relevant ISO Standards include 9001 (Quality Management) and 27001 (Information Security Management). External standards may particularly apply in collaborative work or where a University researcher is undertaking some aspect of their research at another organisation's premises. In such circumstances, researchers should work to those regulatory or local standards.

D.7 Leadership of Research

49. Heads of Department, Directors of Research, Principal Investigators and group leaders must ensure that the appropriate direction of research and the supervision of researchers (including training) are provided, consistent with the responsibilities set out in Section B.2.

50. The creation of an environment where everyone is treated fairly and with respect is essential to facilitating good research. Within a research group (where one exists) responsibility for creating such a climate lies with the group leader or convener, in the context of the Department, School and University more broadly. Group leaders are responsible for creating and maintaining a safe, open and collaborative working environment which should include being clear about processes in place that permit raising issues of concern, notably in relation to bullying and harassment, and research misconduct.

D.8 Leadership of Early Career Researchers

51. Heads of Department, Directors of Research, Principal Investigators and any individual with line management or supervision responsibilities for researchers, should actively ensure that Early Career Researchers and Postgraduate Research students receive adequate management, guidance, and training to ensure compliance with the Code. Dedicated mentoring should be offered on any particular area where the researcher requires support. Early Career Researchers and Postgraduate Research students should be signposted to relevant training and development opportunities.

D.9 Data Management

52. Research data are all data arising as a result of a research project. This includes raw data, analysed data, and also data that arise during the course of research that are later translated into another form or destroyed, such as audio and video recordings. Data can take many forms, including paper and electronic records, recordings or products arising from the research.

53. Research data management refers to all aspects of data management concerned with research, from developing a data management plan at the inception, through the life of the project, to archiving of and making available, where appropriate, research data.

54. Inadequate attention to research data management can result in serious research misconduct, including breaches of confidentiality, or errors in reported data. For this reason the University regards research data management as an important aspect of good research practice.

55. All data from research that has the potential for publication, regardless of whether or not the research is funded is subject to the Research Data Management Policy. Researchers should also be aware of and abide by the Information Security Policy. Research involving security-sensitive material is subject to registration as detailed in the relevant guidance.

56. The University processes personal data for research purposes in relation to its public tasks and its legitimate interests. These legal bases for processing are regularly reviewed and balanced against individual rights and freedoms. Informed consent is normally relied on as a legal basis for processing data from participants of research. The form of consent that is needed from them will depend on the type of personal data gathered and the context in which the data collection and use is taking place.

57. Researchers do not have the authority to sign data sharing agreements or enter into legally binding arrangements or reassurances for the management of data on behalf of the University; this rests with the Director of the Research and Enterprise Office. The Research Governance Team in the Research and Enterprise Office should be approached in the first instance to advise on the most appropriate course of action.

D.10 Publication of Results and Other Research Outputs

58. The following provisions apply to publications and other research outputs:

   i) All publications and research outputs must report research and research findings accurately and with integrity.

   ii) A publication that is substantially similar to another publication derived from the same research or data must contain appropriate reference to the other publication.

   iii) A researcher who submits substantially similar work to more than one publisher should disclose that fact to the publisher at the time of submission.

   iv) All publications and research outputs must be made available to other researchers and to the public in accordance with the University's policies on Open Access, and researchers are encouraged to meet standards for Open Access required by funders or by government bodies wherever practically possible.

   v) In some situations, it may be appropriate for access to a research thesis to be restricted. In such circumstances research students should refer to the Postgraduate Research Examination Guide.

   vi) It is each researcher's responsibility to ensure that every publication or other research output produced by that researcher whilst at the University has a record created in the University of Essex Research Repository except in very rare cases where creation of such a record would pose a security risk or is prohibited for other legitimate reasons connected to the nature of the research. Wherever possible, the output record will also include deposit of a manuscript or equivalent materials.

D.11 Authorship

59. The following provisions apply to authorship:

   i) A publication (and as far as practically possible, any other kind of research output) must contain reference to the contributions of all participants who have made a significant contribution to the relevant research. Referencing and related aspects of research outputs should be compliant with the guidelines of the Committee on Publication Ethics (COPE)[2].

   ii) Any person who has participated in a substantial way in conceiving, executing or interpreting at least part of the relevant research should be given the opportunity to be included as an author of an output derived from that research. The ordering of the authors' names should take account of disciplinary norms and the contribution of each individual to the output, not their organisational position.

---

[2] https://publicationethics.org/

iii) Any person who has not participated in a substantial way in conceiving, executing or interpreting at least part of the relevant research should not be included as an author of an output derived from that research, but may be appropriately acknowledged.

iv) In addition to meeting the requirements detailed above, an author must ensure that the work of research students, research staff, and technical and support staff is recognised in a publication derived from research to which they have made a significant contribution. Authors must also ensure that funders of the research are appropriately acknowledged, including funding references.

D.12 Declaration and Management of Conflicts of Interest

60. Researchers must act at all times with integrity, in the best interests of the University. Conflicts or perceived conflicts of interest may arise as a consequence of undertaking research or knowledge exchange, in particular with third parties. All researchers are required to recognise and disclose activities that might give rise to such conflicts, and to ensure that such conflicts are seen to be properly managed or avoided.

61. Conflicts of interest refer to situations in which financial or other personal considerations may compromise, or have the appearance of compromising, professional judgement and integrity. These might relate to financial matters and personal or family gain, personal relationships, organisational and professional commitments or obligations, career progression, or commercial arrangements. Conflicts of interest also relate to the use of time and resources, and can occur where personal interests or non-University activities harm or interfere with the productivity and involvement of a researcher.

62. Disclosure of a conflict or potential conflict in relation to research or knowledge exchange should be made at the time the conflict is first recognised, using the Financial Procedure Note for the Register of Interests. The disclosure should in the first instance be made to the researcher's line manager or equivalent, with whom agreement should be reached as to how the conflict should be managed.

63. In addition, researchers should declare any relevant conflicts or potential conflicts of interest as part of their request for ethical and institutional approval of each research project. This will ensure compliance with external funder requirements as well as with this Code.

D.13 Purchasing and Expenditure for Research

64. Purchasing and expenditure of funds should take place in accordance with the terms and conditions of any grant or contract held for the research, with the University's Financial Regulations and supporting Financial Procedure Notes.

65. Financial reimbursement or incentives for research participants must be considered appropriate and proportionate to the proposed research activity. Volunteers participating in research may be compensated financially for reasonable travel expenses, inconvenience and for time given to contribute to the research. Payments made to individuals must not be so large as to induce individuals to risk harm beyond that which they would usually accept or to distort their contribution to the research.

D.14 Submitting Applications for Funding

66. Principal Investigators should take all reasonable measures to ensure the accuracy of information contained in applications for funding and must ensure that it has been reviewed and approved by the necessary internal signatories. All research funding applications must be approved in accordance with the Financial Regulations, prior to their submission. Researchers do not have the authority to sign agreements or enter into legally-binding arrangements on behalf of the University; this rests with the Registrar and Secretary and their delegates.

67. Principal Investigators shall ensure that they understand the terms of research funding and be aware of their responsibilities for reporting and other conditions before submitting the application for funding.

68. A researcher who submits substantially similar work to more than one funder should disclose that fact to the funder at the time of submission.

69. As outlined in the Policy Statement on Funding from Ethically Difficult External Sources or in Ethically Difficult Cases, there may be circumstances in which ethical issues arise when considering whether or not to apply for or accept funding for research from particular sources. Similar considerations might apply to collaborative arrangements with an organisation or individual. It is important that the interests of all staff and the interests and the reputation of the University as a whole are safeguarded when seeking and accepting external funding or collaborating. Where required, further advice should be sought from the Director of the Research and Enterprise Office.

70. There may also be instances in which the University's insurance does not adequately cover the circumstances of the proposed research. In such cases, the research must not take place unless or until appropriate insurance has been put in place (at the expense of the relevant project).

D.15 Funding of Postgraduate Research Students

71. Postgraduate Research students might be funded by a range of different organisations, or be self-funded. Research students, supervisors and principal investigators should ensure that any funder is an appropriate body for the University to have a relationship. Similar circumstances apply as to those for the receipt of external research funding, as outlined in the Policy Statement on Funding from Ethically Difficult External Sources or in Ethically Difficult Cases. Where required, further advice should be sought from the Director of the Research and Enterprise Office.

72. In addition, supervisors and principal investigators should ensure that there is no conflict of interest between the funder and the student's ability to complete their thesis as required by the University's Academic Regulations and Codes.

D.16 Intellectual Property

73. Researchers should be aware of, and take appropriate steps to protect, any intellectual property (IP) with commercial potential arising from their work. The University wishes to encourage the development and exploitation of its intellectual property, through whichever means is most appropriate, to the benefit of the University, its staff and as part of its contribution to society.

74. Researchers, including students and their supervisors, should be aware of the University's Intellectual Property Policy and Intellectual Property Commercialisation Policy, which include details of rights to any IP, and any income generated from their work.

D.17 External and Commercial Interactions

75. The translation of the results of research into beneficial outcomes typically involves engagement with other organisations and individuals, both commercial and non-commercial. Researchers should be alert to the nature and interests of those third parties, taking into consideration the reputation and interests of the University as well as of themselves.

76. The University negotiates each contractual and commercial agreement based on its needs and its merits. In doing so, it has a set of significant elements in relation to research agreements that act as a reference point (not an absolute position) for such negotiations. Researchers should work with colleagues in the Research and Enterprise Office to support this position. The key desirable contractual elements are:

i) Ability to publish the results of the work, with limited restrictions on time scale (with respect to notice periods and total elapsed time) to enable the protection of the results or for the funder to publish the formal report first.

ii) Ability to continue research in the area, working with other relevant organisations.

iii) Time-limited mutual confidentiality of the information.

iv) No warranty for the results of the work nor their uses.

v) Funder to indemnify the University for loss, liability or damage, except for University negligence or wilful misconduct.

vi) Pricing that reflects the conditions applied in a regulated market or that takes account of the full economic cost, the market value of the activity to the customer and the academic value to the University in unregulated markets.

vii) Full or partial payments in advance, or against key milestones.

viii) Termination by 90 days' notice on either side, with payment for all outstanding and non-cancellable costs.

ix) Either:

(a) Funder ownership of the foreground intellectual property (IP), with a royalty-free, world-wide, perpetual licence to the University for educational and research purposes and for exploitation outside the funder's field of interest, an expectation / obligation that the funder makes positive use of the IP, and agreement that lump sum or royalty payments will be reasonably negotiated in the event of successful exploitation by the funder;

Or

(b) University ownership of IP generated from the activity, with an option (exclusive for a defined period) for the funder to license in relevant fields where appropriate.

In both cases, use of University background IP is additional and subject to negotiation and terms. It is recognised that approaches to IP management necessarily differ between industrial sectors, and the form of the IP with consideration given to potential for achieving impact and level of funding attracted.

77. When undertaking contractual negotiations, the University is cognisant of its responsibilities under the Charities Act 2006, which requires public benefit to be shown for activities that require support from public funds. Researchers also need to be aware of these responsibilities.

E. Misconduct and Allegations or Complaints of Misconduct

78. Misconduct in research is defined as any breach of the University's Code of Good Research Practice, or other practices that seriously deviate from those that are commonly accepted within the academic and research communities for proposing, conducting, reporting, translating or using research. It specifically encompasses, but is not restricted to:

i) Fabrication, including the creation of false data or other aspects of research, including documentation and participant consent.

ii) Falsification, including the inappropriate manipulation and/ or selection of data, imagery and/ or consents.

iii) Misrepresentation of data and/ or interests and/ or involvement and/ or qualifications, experience or credentials and/ or publication history.

12

iv) Plagiarism, including the general misappropriation or use of others' ideas, intellectual property or work (written or otherwise), without acknowledgement or permission.

v) Failure to follow required legal, regulatory or professional obligations or processes.

vi) Failure to declare actual or potential conflicts of interest to line manager or others as required.

vii) Failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to humans, animals used in research or the environment.

viii) Any breach of data protection legislation or failure to follow accepted procedures or to exercise due care in carrying out responsibilities for the proper handling of privileged or private information on individuals or organisations collected during the research.

ix) Improper conduct in peer review (or equivalent) of research proposals, results, manuscripts or other processes.

x) Intentional damage to, or removal of, the research-related property of another.

xi) Improper dealing with allegations of misconduct.

xii) Intentional non-compliance with: the terms and conditions governing the award of external funding for research; the University's policies and procedures relating to research, including accounting requirements, ethics, and health and safety regulations; or any other legal or ethical requirements for the conduct of research.

79. Misconduct in research does not include unintentional error or professional differences in interpretation or judgment of data.

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

81. Staff and students have a duty to report misconduct in the prosecution of research, where they have good reason to believe it is occurring, to the Registrar and Secretary via misconduct@essex.ac.uk. The University will investigate allegations or complaints about misconduct in research or about scientific or scholarly fraud.

82. Failure by a researcher to comply with the provisions of this Code will be grounds for action to be taken under the University's Procedure for the Investigation of Allegations of Misconduct in Research (the Procedure) or the Academic Offences Procedures for students, as appropriate. In particular, any allegation or complaint of misconduct will be investigated and dealt with under the Procedure and may be subject to action under the University's disciplinary procedures. Alleged misconduct in research relating to a doctoral student's research or to a thesis that has been submitted for examination will normally be investigated under the Academic Offences Procedure, unless part of a wider allegation (see Section C for further details).

83. Any complainant who can be shown to have acted maliciously may also be subject to action under the University's disciplinary procedures.

84. Researchers who wish to submit their work to a formal process of internal scrutiny (in the event of retraction of published work or similar) are required to initiate the Procedure for the Investigation of Allegations of Misconduct in Research.

F. Appendix: University Policies, Legislation and Standards of Good Practice

F.1 University Policies

Academic Regulations and relevant Codes of Practice

https://www.essex.ac.uk/about/governance/regulations
https://www.essex.ac.uk/about/governance/policies

Data Protection Policy

https://www.essex.ac.uk/-/media/documents/directories/records-management/data-protection-policy.pdf

Equality, Diversity & Inclusion Policy

https://www.essex.ac.uk/staff/diversity-and-inclusion/equality-and-diversity-policy-and-strategy

Financial Regulations and Procedure Notes

https://sp.essex.ac.uk/sections/finance/SitePages/Compliance.aspx

Harassment and Bullying Policy and Procedure

https://www.essex.ac.uk/staff/diversity-and-inclusion/zero-tolerance-of-harassment-and-bullying

Health & Safety Policy

https://www.essex.ac.uk/staff/health-and-safety-support/policies

Wellbeing Policies

https://www.essex.ac.uk/staff/employment-policies-procedures/hr-policies-procedures-overview

Information Security Policy

https://www.essex.ac.uk/-/media/documents/directories/records-management/information-security-policy.pdf

Intellectual Property Policy and Intellectual Property Commercialisation Policy

https://www.essex.ac.uk/staff/knowledge-exchange-and-commercialisation/intellectual-property-protection-and-exploitation

Modern Slavery and Human Trafficking Statement and Policy

https://www.essex.ac.uk/staff/governance/modern-slavery-and-human-trafficking

Open Access Policy

https://www.essex.ac.uk/staff/repository-and-publishing/guide-to-open-access

Policy Statement on Funding from Ethically Difficult External Sources or in Ethically Difficult Cases

https://www.essex.ac.uk/-/media/documents/directories/reo/research-funding.pdf

Policy Statement on the Use of Animals in Research

https://www.essex.ac.uk/-/media/documents/directories/reo/animal-research.pdf

Postgraduate Research Examination Guide

https://www.essex.ac.uk/-/media/documents/directories/academic-section/pgre/pgr-examination-guide.pdf

Postgraduate Thesis Submission Guidance

https://www.essex.ac.uk/student/postgraduate-research/preparing-to-submit-thesis

Procedure for the Investigation of Allegations of Misconduct in Research

http://www.essex.ac.uk/-/media/documents/directories/reo/procedure-for-investigation-of-allegations-of-research-misconduct.pdf

REF2021 Code of Practice

https://www.essex.ac.uk/staff/planning-and-assessment/ref

Research Data Management Policy

https://www.essex.ac.uk/staff/research-governance/research-data

Research Governance Policies and Guidance

https://www.essex.ac.uk/staff/research-governance

Safeguarding Policy

https://www.essex.ac.uk/information/safeguarding/safeguarding-policy-and-guidance

Whistleblowing Policy and Procedure (Disclosure in the Public Interest)

https://www.essex.ac.uk/staff/employment-policies-procedures/whistleblowing-policy

F.2 Relevant Legislation

Animals (Scientific Procedures) Act 1986 (ASPA)

http://www.legislation.gov.uk/ukpga/1986/14/contents

Care Act 2014

http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted

Copyright, Designs and Patents Act 1988 (as updated)

http://www.legislation.gov.uk/ukpga/1988/48/contents

Data Protection Act 2018

http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted

Equalities Act 2010

https://www.legislation.gov.uk/ukpga/2010/15/contents

Human Tissue Act 2004

https://www.legislation.gov.uk/ukpga/2004/30/contents

Medicines for Human Use (Clinical Trials) Regulations 2004

http://www.legislation.gov.uk/uksi/2004/1031/contents/made

Mental Capacity Act 2005

http://www.legislation.gov.uk/ukpga/2005/9/contents

Patents Act 1977 (as updated)

http://www.legislation.gov.uk/ukpga/1977/37/contents

Safeguarding Vulnerable Groups Act 2006

http://www.legislation.gov.uk/ukpga/2006/47/contents

F.3 Policies and Standards of Research Integrity

Committee on Publication Ethics (web page)

https://publicationethics.org/

European Code of Conduct for Research Integrity (revised edition), 2017

https://ec.europa.eu/research/participants/data/ref/h2020/other/hi/h2020-ethics_code-of-conduct_en.pdf

International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH) (including GCP)

https://www.ich.org/products/guidelines/efficacy/efficacy-single/article/integrated-addendum-good-clinical-practice.html

Nagoya Protocol, Convention on Biological Diversity (CBD), October 2010, https://www.cbd.int/abs/about/

Research Councils UK (2013). *Policy and Guidelines on Governance of Good Research Conduct.* Swindon: Research Councils UK.

https://www.ukri.org/files/legacy/reviews/grc/rcuk-grp-policy-and-guidelines-updated-apr-17-2-pdf/

UK Policy Framework for Health and Social Care Research (2017)

https://www.hra.nhs.uk/planning-and-improving-research/policies-standards-legislation/uk-policy-framework-health-social-care-research/

UK Research Integrity Office (2009). *Code of Practice for Research: Promoting good practice and preventing misconduct.* London: UKRIO.

www.ukrio.org/wp-content/uploads/UKRIO-Code-of-Practice-for-Research.pdf

UK Research and Innovation. Research Integrity (web page)

https://www.ukri.org/about-us/policies-and-standards/research-integrity/

Universities UK (2019), The Concordat to Support Research Integrity, Universities UK, October 2019

https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Pages/the-concordat-for-research-integrity.aspx

Vitae (2019), The Concordat to Support the Career Development of Researchers, Vitae, September 2019

https://www.vitae.ac.uk/policy/concordat

F.4 Other Materials

Concordat for the Advancement of Knowledge Exchange in Higher Education, Universities UK, 2020

https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2020/knowledge-exchange-concordat.pdf

Concordat for Engaging the Public with Research, 2013

https://www.ukri.org/files/legacy/scisoc/concordatforengagingthepublicwithresearch-pdf/

Concordat on the Openness of Animal Research (COAR) (web page)

http://concordatopenness.org.uk/
http://www.understandinganimalresearch.org.uk/

National Centre for the Replacement, Refinement & Reduction of Animals in Research (NC3Rs) (web page)

https://www.nc3rs.org.uk/

OECD (2015), Frascati Manual 2015, OECD, 2015

https://www.oecd.org/sti/frascati-manual-2015-9789264239012-en.htm

REF2021 (2019), Guidance on submissions, REF2021, REF 2019/01, January 2019

https://www.ref.ac.uk/publications/guidance-on-submissions-201901/

Title	Code of Good Research Practice
Version number	1.0
Authors	Sarah Manning-Press, Research Governance and Planning Manager; Emma Stock, Research Integrity Manager Dr Ian Carter, Carter Research Navigation (http://carter-resnav.co.uk/)
Owner	Dr Rob Singh, Director of the REO
Approved by	Research Committee, October 2020 University Steering Group, October 2020 Senate, November 2020
Effective date	November 2020
Date of last review	Reviewed three yearly. Next review November 2023
Document status	Published
Document classification	Public
Questions and queries	Email sarahm@essex.ac.uk
Relevant policies and guidelines	Visit our website at: https://www.essex.ac.uk/staff/research-governance