**School of LAW**

**Research Ethics Policy**

**1. Context and Scope of Policy**

In line with Trinity College Dublin’s Policy on Good Research Practice it is imperative that research activity in the School of Law is conducted to the highest standards of integrity, professional conduct and probity.

As College’s *Policy on Good Research Practice* states:

‘In all research, in addition to the Law of the Land, the over-arching ethical principles for Trinity College can be summarized as: **respect** for the individual subject or population, **beneficence and the absence of maleficence** (research should have the maximum benefit with the minimal harm) and **justice** (all research subjects and populations should be treated fairly and equally)’.

This document sets out the principles and procedures of the Ethics Policy of the School of Law.

* 1. For the purposes of this document, the term ‘researcher’encompasses:
* Any member of the School who conducts research; this includes staff, postdoctoral fellows; students and unpaid research associates;
* Any individual who is not a member of the School but is undertaking research using the School’s premises and facilities and/or under the name of the School (including visiting academics and students). Such a researcher should follow the guidelines for Staff or Students as appropriate.
  1. Research involving human participants 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 limited to, interviews, questionnaires and discussions.
* Research that indirectly involves people (living or deceased, particularly where there are likely to be living relatives) through the provision of access to personal data;

**2. Principles**

**2.1** The following key principles inform the School’s stance on the ethical issues in research involving human participants.

**2.1.1 Diversity of approach:** Given the diversity of academic activity within the School, the nature and significance of ethical issues arising in research will vary between projects.

**2.1.2 Independent scrutiny:** The ethical conduct of research is a matter of judgment. Scrutiny of research proposals with possible ethical dimensions, independently of the researcher, is intended to create to create the conditions for an explicit discussion of the judgements guiding the conduct of research projects. Dialogue is thus seen as a central part of ethical practice in research.

**2.1.3 Informed consent:** Research involving human participants should, where possible, be conducted only with the fully formed and freely given consent of participants. In line with College policy, potential participants should be informed via a Participant Information Sheet 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. The researcher (or lead researcher in the case of collaborative work) is responsible for ensuring that all participants have given their consent prior to participating in the research.  Such consent should be given voluntarily and without coercion. Wherever possible,

evidence of consent (either written consent, or oral consent witnessed by another) should be obtained. Participants should be informed that they are free to withdraw their consent at any time without adverse consequences, and that any data provided by them will be destroyed should they request it.

**2.1.4 Protection from harm:** Researchers should endeavour to minimize the risk of physical or psychological harm arising to any person or organization as a result of their research. It is advisable that researchers inform participants of the contact details of a person whom they can contact in the event of any issues arising from the research that cannot be resolved with the researcher.

**2.1.5 Confidentiality:** Except where explicit written consent is obtained, researchers should protect the confidentiality of all participants and their data at all times.[[1]](#footnote-1) 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 Acts of 1988 and 2003. Researchers should be able to explain the arrangements in place to protect data security.

**2.1.6 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. Deception or covert data collection should be used only where essential to the research design. Any personal, academic or commercial conflicts of interest in the research should be declared. Direct and indirect contributions of colleagues, collaborators and others should be acknowledged. Participants should be given the opportunity to access the outcomes of research, and be debriefed if appropriate.

**2.1.7 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 funding agencies, such as the Irish Research Council, researchers must ensure they conform with their requirements and protocols as necessary.

**3. Procedures**

The following outlines the procedures to be followed by staff and students.

**3.1. STAFF**

**For all members of staff, including visiting academics affiliated with the School, and unpaid research associates:** Independent scrutiny of research proposals is provided by the  School’s Research Ethics Committee, if necessary, using the procedures outlined below:

**3.1.1.** In the first instance, researchers should self‐certify the ethical propriety of their research by completing a Research Ethics Checklist (Appendix 1). This should be undertaken in the early stages of the project, prior to any data collection or, where appropriate, during each phase of the research.

**3.1.2.** Where the Research Ethics Checklist indicates that an actual Certificate of Ethical Approval *is* required, the researcher should complete the proforma at Appendix 2 and submit this, with accompanying documentation, to the Secretary of the School’s Research Ethics Committee for consideration at its next meeting. On a decision by the committee to grant ethical approval, the School’s Research Ethics Officer will issue the signed Certificate of Ethical Approval.

**3.2 STUDENTS**

**For students:** Independent scrutiny of research proposals is provided by the first‐named supervisor, using the procedures outlined below. In all cases, the first-named supervisor has a responsibility to encourage among students an awareness of ethical issues in research.

**3.2.1** Where the Research Ethics Checklist (Appendix 1) indicates that a Certificate of Ethical Approval is required, the student (assisted by the first‐named supervisor) should complete the proforma at Appendix 2, together with accompanying documentation, for consideration by the School’s Research Ethics Committee.

**3.3 School Research Ethics Committee**

**3.3.1** Membership of the School’s Research Ethics Committee will be as follows:

Director of Research

Deputy Director of Research

School Research Ethics Officer

Secretary of the Committee

School Administrator

Head of School

Three elected members of academic staff

Membership of the School Research Ethics Committee will be the same as membership of the School Research Committee.

**3.3.2** All decisions of the School’s Research Ethics Committee on ethical issues must be agreed by consensus. Any member of the Committee with a conflict of interest should declare this interest at the outset of discussion on the relevant matter and take no part in the Committee’s discussions and decisions on that matter.

**3.3.3** In accordance with the ‘Criteria for Research Ethics Committees’ (<https://www.tcd.ie/research/dean/ethics/> ), the School of Law Research Ethics Committee can make decisions on research ethics issues falling within Level 1. If the Committee considers that the ethics issues fall within Level 2, then the matter will be referred to the Arts, Humanities and Social Science Faculty Research Ethics Committee.

**3.4 Appeals process**

Applicants whose projects are rejected will receive feedback from the School Research Ethics Officer. An amended project may be submitted to the School Research Ethics Committee. Where a dispute cannot be resolved, the input of Faculty’s Research Ethics Committee will be sought.

**3.5. Reporting**

**3.5.1** **End of project report**: Every application given consent will be required to submit a short end-of- project report within 4 weeks of completion. Reports will be available for download from the School’s website. Reports should be submitted to the Secretary of the Research Committee.

**3.5.2 Annual Report**: The Research/Ethics Committee will produce an annual report in September each year (to cover the previous academic year), to include:

* Total number of applications;
* Total number of consents;
* Summary table showing reasons for rejections;
* Summary table showing any changes in process / procedures of the Research Ethics Committee.

**3.5.3 Registration and archiving**: Every application received by the Administrator will be logged on a spreadsheet database, showing the following as a minimum:

•  Project Title

•  Name of Lead Researcher (student in case of project work)

•  Name of Supervisor (if the applicant is a student)

•  TCD Email address

•  Contact Telephone Number

•  Course Name and Code (if applicable)

•  Estimated start date of survey / research

•  Date received by Administrator

•  Committee Decision

•  Date of Committee Decision

**4 Further guidance**

For further guidance on research ethics, see:

<https://www.tcd.ie/research/dean/ethics/>

Association of Research Ethics Committees ‐ http://www.arec.org.uk/

There are also excellent relevant resources, such as:

* S. Eckstein (ed.), *Manual for Research Ethics Committees* (Cambridge, 2003).
* B. MacFarlane, *Researching With Integrity: The Ethics of Academic Research* (Oxford, 2008).

1. The duty of confidentiality is not absolute in law and may, in exceptional circumstances, be over‐ridden by more compelling duties, such as the duty to protect individuals from harm. If such issues arise, researchers are advised to discuss these with the School Ethics Officer in the first instance. [↑](#footnote-ref-1)