Faculty of Law

Research Ethics Policy

1. The Faculty of Law attaches utmost importance to the maintenance of high ethical standards in the research undertaken by its academic and research staff and students, whether supported directly by the Faculty or funded from external sources. Research undertaken in the Faculty should conform to generally accepted ethical principles and to the values of the University of Cambridge. The Faculty also affirms the importance of academic freedom of speech and autonomy in the conduct of research.

2. The Faculty recognizes that, in many cases, outside research partners or funding organisations have their own ethical policies or require research proposals to undergo independent ethical scrutiny. The procedure set out in this document should be seen as a complement and where relevant an interpretative aid to these existing standards rather than as a replacement for them. It is also intended to complement and help contextualise, rather than replace, researchers’ legal obligations.

3. As good governance and the safety of academic and research staff are the subject of separate University regulations, the avoidance of unwarranted harm to other individuals is the focus of this Research Ethics Policy.

4. Process. The Faculty’s ethical review process involves up to three stages:

(a) self-assessment by the researcher, which might lead to:

(b) review by the Director of Research, who may refer an application to:

(c) the Faculty’s Research Ethics Committee and, which may refer it to the School Research Ethics Committee.

5. Self-assessment. Self-assessment requires individual researchers to determine what, if any, ethical risks arise from the research, and the appropriate means to be taken to prevent, minimize or mitigate any problems. Given the nature of research conducted in the Law Faculty, it is recognised that in most cases either no ethical issues will arise or a process of self-assessment will prove sufficient.

6. Ethical Considerations and Tensions. In engaging in self-assessment, researchers should weigh the broad range of ethical considerations which may arise. These include but are not limited to: the public’s interests (for example, the public interest in academic research); the researcher’s rights (for example, rights of free speech and thought) and duties (for example, duties relating to academic integrity and data protection); the importance of seeking to avoid unwarranted harm to research subjects’ and research participants’ rights and interests (for example, rights of autonomy and privacy). As there will often be tensions between ethical considerations, a researcher may need to make a judgment about whether a research project is ethical notwithstanding the fact that it cannot advance all ethical considerations. It is recognised that even responsible and diligent researchers may come to different ethical judgments and that these should be accorded due respect.
7. **Consultation and Review.** Research students should undertake their own self-assessment and discuss any potential ethical issues which arise with their supervisor(s). This should be seen as a normal part of research training. Academic members of the Faculty are encouraged to discuss ethical issues with their colleagues. Where a Faculty member concludes that research involves significant ethical risks, they should seek independent review from the Director of Research (unless the research is a collaborative project and the PI is based in another unit of the University, in which case it is the responsibility of the PI to ensure compliance with the relevant Research Ethics Policy for that unit.). Any independent review which proves necessary must be reasonable, proportionate to any risks involved and respect the principles underlying this document.

8. Self-assessment will be sufficient in cases which give rise to no significant ethical risks. The following is a non-exhaustive, indicative list of cases that (in the absence of specific and exceptional ethical circumstances) fall within this category:

(a) Research that gathers, uses and/or discloses publicly available information. This includes:

(i) information which has been published, either online or offline;

(ii) information made available to the public under freedom of information or other access laws or information available on request, for example through company registries;

(iii) information disclosed at public meetings, whether online or offline, and whether or not the researcher was present at or participated in the disclosure; and

(iv) information in libraries or archives accessible to researchers.

Information made available on condition that certain legal rules or other requirements be observed, including those relating to data protection, does not thereby cease to be publicly available for the purposes of this Research Ethics Policy. In case of doubt, researchers should refer the matter in question to the Director of Research, who will provide guidance on this point.

(b) Non-deceptive research involving background discussions and/or human participant research such interview and/or surveys, so long as the activity in question is unlikely to put individual/s at significant risk of more than minimal harm (including reputational harm, financial loss, employability loss, and civil or criminal liability) and which does not involve potentially vulnerable participants such as children or persons with relevant disabilities or persons recruited in their capacity as NHS patients. In cases of doubt, researchers should refer the matter in question to the Director of Research, who will provide further guidance.

(c) Research involving archival or other documents not open to the public but where no information is recorded which could lead to the identification of any individual.

(d) Non-deceptive research involving the recording of human behaviour which is unlikely to put individual/s at significant risk of more than minimal harm (including reputational harm, financial loss, employability loss, and civil or criminal liability).

(e) Research involving personal data in the form of evaluation, opinions, critique or commentary which are based on information falling within categories (a)-(d) above.
9. Conversely, research in the following cases will normally require an application for ethical approval to be made, using the Faculty’s Research Ethics Approval Form, to the Director of Research:

(a) Research involving human participants who are potentially vulnerable or whose capacity to act autonomously may be in question (e.g. children, persons with relevant disabilities);

(b) Studies that are likely to cause any human participant significant physical or mental distress or embarrassment;

(c) Experiments or other data collection involving deception;

(d) Research that may expose human participants to a significant risk of legal or disciplinary action.

10. Research in the following areas will normally be referred by the Director of Research to an appropriate University ethics committee:

(a) research involving human participants in their capacity as NHS patients for medical, health or social care;
(b) research involving clinical procedures;
(c) research involving the use of human tissues;
(d) research involving animals in scientific or experimental procedures, including field-based animal research.

11. It is expected that review by the Director of Research will be sufficient in the majority of independent review cases. The Director of Research may refer an application to the Faculty’s Research Ethics Committee if he or she considers it appropriate to do so in the light of the risks involved.

12. The Faculty of Law Research Ethics Committee consists of the Director of Research or a nominated representative as Chair, together with at least three additional faculty members.

13. The Research Ethics Committee shall:

(a) facilitate the independent review of the ethics of proposed research when requested to do so by the Director of Research;

(b) investigate any potential breach of the Faculty’s ethics policy when requested to do so by the Director of Research; and

(c) make recommendations concerning the dissemination of good practice and the appropriate kinds of research training that should be available to Faculty staff and students.

The Committee shall deal promptly with all matters referred to it and where necessary shall do so by circulation.

14. **Referrals.** The Director of Research or the Research Ethics Committee may refer an application for approval to a review committee elsewhere in the University if either of them
considers it appropriate to do so, for example in cases of interdisciplinary and/or cross-Faculty research. In addition, the Research Ethics Committee may refer an application to a School-level Ethics Committee if it considers that, in view of the complexity of the case or the risks arising from it, it would be appropriate to do so.

15. **Alleged Breaches.** If an allegation of breach of the Faculty’s ethics policy is made or it appears to the Director of Research that such a breach is likely to have occurred, then this will be dealt with in a reasonable and proportionate manner and with respect for due process; in all appropriate cases, resolution will be effected through engagement and discussion with the relevant researcher(s).

16. **Complaints.** If a formal ethics-related complaint is received from a participant in a research project, any active use of identified data relating to that particular participant must cease until the complaint is resolved. The PI on the project concerned should forward to the Director of Research the following:

(a) the complaint itself;

(b) a summary of the project;

(c) any available documents given to participants before, during or after the project;

(d) the PI’s own assessment of the validity of the complaint;

(e) what the PI proposes should be done;

(f) if relevant, any changes to be made make to avoid any future recurrence of the complaint.

The Director of Research will deal with the complaint promptly. The Director of Research may refer the matter to the Faculty Research Ethics Committee which will deal with the complaint promptly, if necessary by circulation.

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