

CODE OF PRACTICE ON RESEARCH ETHICS

1 NCAD Research Context

NCAD seeks to offer a research environment that expands the frontiers of practice, knowledge, understanding, enquiry and debate in relation to the broad domains of art and design, visual and material culture, art and design pedagogy, creative technologies and the critical, theoretical and historical investigation of cultural practices, processes, institutions and products.

The foundation for the rich multi-disciplinary research environment at NCAD is the professional activity and output of leading national and international practitioners across a wide range of disciplines. Although many of our domains and practices have not typically been associated with notions of research, the definition of research asserted in the international standard reference tool for research and development measurement, the OECD Frascati Manual (first edition 1963, 7th edition 2015), provides a framework for understanding research that accommodates the specificity of the knowledge domain of art and design practice. Accordingly:

‘Research’ at NCAD is understood as creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications. It includes work of direct relevance to the needs of commerce and industry, as well as to the public and voluntary sectors; scholarship*; the invention and generation of ideas, images, performances and artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction. It excludes routine testing and analysis of materials, components and processes, e.g. for the maintenance of national standards, as distinct from the development of new analytical techniques. It also excludes the development of teaching materials that do not embody original research.

*As suggested in the definition of scholarship used in the UK’s Research Excellence Framework, scholarship is defined as the creation, development and maintenance of the intellectual infrastructure of subjects and disciplines, in forms such as dictionaries, scholarly editions, catalogues and contributions to major research databases.

Research at the National College of Art and Design seeks to achieve the highest possible standards within the disciplines of art, design, visual culture and education. It is, therefore, of utmost importance that researchers consider the potential impact of their proposed research. All researchers must seek advice from NCAD’s Research Ethics

Committee before research is undertaken should any of the following elements be involved in the proposed research:

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

Potential influencing factors:

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

2 Guiding Principles

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.

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 wellbeing of others, including respect for their rights; it is the principle of doing good in the widest sense.

3 Obligations, Rights and Responsibilities

3.1 Legal and procedural requirements

Researchers should comply with the legal requirements and possible repercussions associated with a piece of research. The Data Protection (Amendment) Act 2003, The Equal Status Acts 2000 to 2004, Defamation Act 2009, Safety Health & Welfare at Work Act 2005, Disability Act 2005, Patents (Amendment) Act 2012, EU Data Protection Directive 95/46/EC, Helsinki Declaration 2013, European Convention on Human Rights Act 2003, EU Charter of Fundamental Rights Directive 2001/20/EC, UN Convention on the Rights of the Child, EU Protection of Biotechnological Inventions Directive 98/44/EC, Universal Declaration on the Human Genome and Human Rights adopted by UNESCO, Wildlife (Amendment) Act 2012.

Researchers are expected to comply with NCAD's Code of Practice on Research Ethics and with NCAD'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

Officer. Where a research project involves contact with children and/or young and vulnerable persons, the researcher must have Garda Vetting.

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 that applies to potential and actual collaborators on the project and/or other participants. Where the location of the research is external to NCAD it is essential that the regulations, procedures, practices and guidelines that are relevant in these situations are taken into account.

3.2 General principles

Researchers must not compromise the overriding principles of non-maleficence and beneficence, legal obligations and any pre-existing rights in the conduct of research.

Researchers must weigh up the potentially conflicting risks and benefits of a particular piece of research.

Researchers should consider the principle of justice and the fair treatment of participants in research. Thus 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.

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.

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).

3.3 Informed consent

Ethical conduct in research demands respect for the rights of others who are directly or indirectly affected by the research. For human participants, both their physical and personal autonomy 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.

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 are third parties marginally involved, in the research, for example as members of the public in an observer capacity, or where groups of people are involved, informal consent might be more appropriate than formal consent.

Where participants are not in a position to give informed consent the researcher should seek advice as to whether guardians or parents are legally entitled to give consent on

behalf of mentally incapacitated adults in certain matters or whether they need to obtain a declaration from the court that the proposed research procedures are lawful.

Young persons over the age of 18 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. Where the child is able to give assent, the investigator will also obtain that assent. A child's refusal to participate or continue participating in the research will always be respected. Researchers will avoid exerting any pressure on the child or his/her parents that will lead to the participation of the child in the research. Information sheets will be in accordance with the age of children:

- Information for children five years and under will be predominantly pictorial.
- For pre-adolescent (aged up to 16), information sheets will explain briefly and in simple terms the background and aim of the study, so the child can consider assent. It will also contain an explanation that their parents will be asked for consent.
- If an adolescent aged 16 to 18 is no longer a minor as defined in national law, or is an 'emancipated minor', then written informed consent will be sought from these individuals.
- Parental/legal representative information sheets will indicate how the study will affect the child at home, school or other activities.

Notwithstanding the fact that parental consent has been obtained, primary responsibility for safeguarding the rights of the child remains with the researcher.

Where the nature of the research is such that informing participants before the work is carried out might render the results invalid, 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 Ethics Committee (see appendix 1). 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.

3.4 Confidentiality and data protection

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.

The collection, storage, disclosure and use of research data by researchers must comply with the Data Protection (Amendment) Act 2003. 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 could be identified.

3.5 Animal rights

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.

3.6 Research undertaken in public places

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.

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

3.7 Academic integrity

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 a substantive contribution has been made by the supervisor. Issues arising from industrial placements and the protection/registration of materials should also be considered.

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.

3.8 Contractual responsibilities

The terms of any contract relating to research must not compromise the overriding principles of non-maleficence and beneficence, legal obligations and any pre-existing rights.

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 College 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 Legal Services Manager.

There should be a clear agreement on intellectual property rights (see further NCAD policy on intellectual property).

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.

The researcher should furnish the sponsor with research reports and other deliverables as agreed in the original contract.

4 Procedures for Implementation

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 College. It applies equally to staff and students.

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. Any research that requires ethical approval should be referred through the Head of School of the researcher in question to the Secretary of the Research Committee. The Research Ethics Notification Form should be used to this end (see appendix 2). The Head of School should indicate their view on compliance or otherwise of the proposed research with the ethical guidelines detailed in this document. On receipt of such referral, the Secretary of the Research Committee may convene a meeting of the Research Ethics Committee for the purposes of adjudicating upon the research proposal's compliance with the guidelines detailed in this policy. The Research Ethics Committee may ask the researcher to make changes to the project before a decision is made. The Secretary of the Research Ethics Committee will keep a clear and detailed record of any such referrals or specific reviews.

Where students are the primary researchers, the responsibility for ensuring that due consideration is given to the ethical implications of the study rests with the student's supervisor.

If participants are involved, the researcher will need to obtain prior consent unless there are special circumstances as detailed in 3.3 above. An Informed Consent Form and Plain Language Statement should be attached to the Research Ethics Notification 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.

The Research Ethics Notification Form will require details on the risks and potential benefits of the research, and the researcher should explain how confidentiality, anonymity and privacy will be maintained.

Only unusually, in cases of possible doubt, will interviews be conducted by the Ethics Review Committee with proposed researchers/interested parties in order to provide further clarification.

Where approval is withheld and the applicant wishes to dispute the outcome, the matter will be referred to Academic Council whose decision will be final and binding.

Appendix 1: Constitution of the Research Ethics Committee

1. The Role of Academic Council

The 1986 Revised Terms of Reference include: To make, subject to the approval of An Bórd, and to implement the academic regulations of the College.

The Research Ethics Committee has been established as a sub-committee of Academic Council.

2. Membership and term of office of the Research Ethics Committee

2.1 The membership of the Research Ethics Committee is as follows:

- i. The total number of members shall be 4.
- ii. The quorum for a meeting shall be 3.
- iii. The Chairperson shall be the Head of Research.
- iv. Two Heads of School
One academic staff member.

The Head of Research shall act as Secretary and convener of the Research Ethics Committee.

2.2 Membership of the Committee will be invited on the basis of expertise relevant to the particular research proposal under consideration. Where appropriate, an external expert may be invited to attend the meeting of the Ethics Committee and/or give advice in relation to the research proposal under consideration.

3 Functions of the Research Ethics Committee & Procedures for Ethics Approval

The function of the Research Ethics Committee is to adjudicate upon and give guidance in relation to research projects that warrant ethical consideration in accordance with NCAD's Code of Practice on Research Ethics.

3.1 The proceedings shall be strictly confidential.

3.2 The Head of Research shall act as Secretary to the Committee and shall call its meetings. All necessary information shall be processed through the Head of Research and presented to the Committee for each hearing.

3.3 The Research Ethics Committee shall meet as necessary and shall adjudicate on proposals presented to it for that occasion and make determination thereon.

3.4 Researchers shall have the right to present their case to the Research Ethics Committee.

3.5 While the Research Ethics Committee may at its discretion consult other parties, the only parties to the adjudication on research ethics approval are the College and the researcher concerned. The Research Ethics Committee shall consider all proffered evidence (oral and written) relevant to the adjudication. The evidence considered by the Committee must be available to the researcher concerned.

- 3.6 When meeting to adjudicate on research ethics approval, the Research Ethics Committee will have before it:
- i. Research Ethics Notification Form together with any supporting documentation supplied by the researcher;
 - ii. If appropriate, Informed Consent Form(s) and Plain Language Statement relating to the proposed research.
- 3.7 The adjudication of the Research Ethics Committee will be reported to Academic Council. Where approval is withheld and the applicant wishes to dispute the outcome, the matter will be referred to Academic Council whose decision will be final and binding.

Appendix 2: NCAD Research Ethics Forms

1. Research Ethics Notification Form
2. Research Ethics Plain Language Statement
3. Research Ethics Informed Consent Form

Notification Form for Research Projects and for Postgraduate / Undergraduate Dissertations

NCAD has introduced a procedure for notification to the NCAD Research Ethics Committee of

1. Low-risk social research projects, in which personal information that is deemed not sensitive is being collected by interview, questionnaire, or other means
2. All projects that warrant ethical consideration in accordance with NCAD's Code of Practice on Research Ethics.

In Committee requires researchers to concisely answer the following questions within this form (before the project starts):

<p><u>Project Title:</u></p> <p><u>Applicant Name and E-mail:</u></p> <p><u>If a student applicant, please provide the following:</u> Level of Study (Undergrad/Taught M Ed / Research M Litt /Phd):</p> <p>Year of Study: _____ Date: _____</p> <p>Supervisor Name and E-mail:</p>
<p>Questions:</p> <p>1. Provide a lay description of the proposed research (approx. 300wds):</p>
<p>2. Proposed Research Methodology:</p>
<p>3. Detail the means by which potential participants will be recruited:</p>

4. How will the anonymity of the participants be respected?
5. What risks are researchers or participants being exposed to, if any?
6. Have approval/s have been sought or secured from other sources?
7. Please confirm that the following forms are attached to this document: Informed Consent Form Yes Plain Language Statement Yes If not, explain why:

NB – The application should consist of one file only, which incorporates all supplementary documentation. The completed application must be proofread and spellchecked before submission to the Head of School and NCAD Research Ethics Committee if necessary. All sections of the form should be completed. Applications which do not adhere to these requirements will not be accepted for review and will be returned directly to the applicant.

The NCAD Research Ethics Committee will assess, on receiving such notification, whether the information provided is adequate and whether any further action is necessary. Please complete this form and e-mail to your supervisor who will forward it Head of School and to the committee if necessary.

Please note: Project supervisors of dissertations on undergraduate programmes have the primary responsibility to ensure that students do not take on research that could expose them and the participants to significant risk, such as might arise, for example, in interviewing members of vulnerable groups such as young children.

For referral

Approved

Signed: _____
 (Head of School)

Plain Language Statement

Research Title:

Researcher:

Date:

State as clearly and plainly as possible:

1. What the research is about;
2. Who will be involved, where and for how long;
3. How you intend to collect the data: what methods you will employ and over what time period;
4. State what ethical considerations are involved and how you will ensure they are dealt with appropriately;
5. State that involvement in the Research Study is voluntary and participants may withdraw from the Research Study at any point.

If participants have concerns about this study and wish to contact an independent person, please contact:

**The Head of Research,
National College of Art and Design Research Ethics Committee,
National College of Art and Design, 100, Thomas Street, Dublin 8.**

Informed Consent Form for Research Study Participant

Research Title:

Researcher:

Address:

Contact No:

Email:

Date:

Dear _____,

Explain your area of research and why you are conducting the research.

Detail the research method/s you intend to use: e.g. Interview, Observation, Analysis of artwork, Collaborative Inquiry or other forms of data collection.

Explain:

- Why you want to interview/observe/analyse work - participant/group.
- What type of interview/observation/group work etc.
- How you will record the data e.g. digitally, notes, photographs, survey etc.
- Interview/ Observation arrangements: when, where, how long etc.
- Ethical considerations: Anonymity/Confidentiality, Transcripts, Freedom to decline or withdraw, data issues.
- State that you are enclosing a Plain Language Statement
- Provide details of how the participant can contact you for clarification.

Include the following or similar: *Please read and answer the questions below. If you are willing to participate in the research please sign the consent form and return it to me (State by what method and by what date).*

Participant – please complete the following (Circle Yes or No for each question)

Have you read or had read to you the Plain Language Statement Yes/No

Do you understand the information provided? Yes/No

Have you had an opportunity to ask questions and discuss this study? Yes/No

Have you received satisfactory answers to all your questions? Yes/No

Are you aware that your interview will be digitally recorded? Yes/No

Signature:

I have read and understood the information in this form. My questions and concerns have been answered by the researcher, and I have a copy of this consent form. Therefore, I consent to take part in this research project.

Participants Signature: _____

Name in Block Capitals: _____

Witness: _____ **Date:** _____