

RESPECT Code of Practice for Socio-Economic Research

Introduction

The RESPECT guidelines are intended to form the basis of a voluntary code of practice covering the conduct of socio-economic research in Europe.

Carrying out socio-economic research in a professional and ethical manner involves balancing a number of different principles which often lie in tension with each other. This code is based on a recognition that it is the responsibility of individual researchers to make the often difficult professional decisions which establish this balance and that it is the responsibility of their employers, professional associations and research funders to support them in making these decisions.

This code of practice is intended as an aid to responsible and informed decision-making, not a substitute for it. It is thus an aspirational code, not a prescriptive one.

The RESPECT code is based on a synthesis of the contents of a large number of existing professional and ethical codes of practice, together with current legal requirements in the EU. Whilst the RESPECT provisions are voluntary, some of the requirements on which they are based are morally binding on the members of specific professional associations or legally binding on citizens of EU Member States.

The RESPECT code is not designed to pre-empt more detailed codes developed by specific professional associations, academies or funding agencies. On the contrary, it is hoped that it will provide an aid to the refinement of such codes and the development of new ones where they do not already exist.

The purpose of the RESPECT code is not to create new requirements or restrictions on the conduct of research, but to protect researchers from unprofessional or unethical demands and to raise awareness of ethical issues and spread existing professional good practice, enabling the development of a European Research Area with common standards that are transparent and universally agreed.

Such common standards are a prerequisite for the development of a European market in socio-economic research, in which research can be commissioned and partnerships entered into on the basis of clear mutual understandings and expectations.

This summary document outlines the main features of the code. Further information on any feature can be found on the RESPECT website www.respectproject.org

The underlying principles

- ▶ The RESPECT code of practice is based on three main principles:

- 1 **Upholding scientific standards**
- 2 **Compliance with the law**
- 3 **Avoidance of social and personal harm**

It is recognised that these principles are closely interlinked and that situations may arise where different elements of these principles may come into tension, or even conflict with each other. As an aid to forming professional judgements about the best way to balance these principles, the RESPECT website includes background documentation that draws on existing literature to provide practical guidelines for researchers faced with such dilemmas.

1 Upholding scientific standards

Researchers have a responsibility to take account of all relevant evidence and present it without omission, misrepresentation or deception.

This means making sure that the selection and formulation of research questions, and the conceptualisation or design of research undertakings, does not predetermine an outcome, and does not exclude unwanted findings from the outset. Data and information must not knowingly be fabricated, or manipulated in a way that might lead to distortion. Integrity requires researchers to strive to ensure that research findings are reported by themselves, the contractor or the funding agency truthfully, accurately and comprehensively. This includes the distribution and publication of information about their research through the popular media. In order to avoid misinterpretation of findings and misunderstandings, researchers have a duty to communicate their results in as clear a manner as possible. However strongly the goal of objectivity is pursued, no researcher can approach a subject entirely without preconceptions and any research will undoubtedly be coloured by the individual approach of the researcher. It is therefore also the responsibility of researchers to balance the need for rigour and validity with a reflexive awareness of the impact of their own personal values on the research. Finally, integrity means that researchers primarily serve scholarly and public interests. Economic gain or material advantage should not override scholarly, public or ethical considerations.

- ▶ **Socio-economic researchers should endeavour to:**
 - a. ensure factual accuracy and avoid misrepresentation, fabrication, suppression or misinterpretation of data

- b. take account of the work of colleagues, including research that challenges their own results, and acknowledge fully any debts to previous research as a source of knowledge, data, concepts and methodology
- c. critically question authorities and assumptions to make sure that the selection and formulation of research questions, and the conceptualisation or design of research undertakings, do not predetermine an outcome, and do not exclude unwanted findings from the outset
- d. ensure the use of appropriate methodologies and the availability of the appropriate skills and qualifications in the research team
- e. demonstrate an awareness of the limitations of the research, including the ways in which the characteristics or values of the researchers may have influenced the research process and outcomes, and report fully on any methodologies used and results obtained (for instance when reporting survey results, mentioning the date, the sample size, the number of non-responses and the probability of error)
- f. declare any conflict of interest that may arise in the research funding or design, or in the scientific evaluation of proposals or peer review of colleagues' work
- g. report their qualifications and competences accurately and truthfully to contractors and other interested parties, declare the limitations of their own knowledge and experience when invited to review, referee or evaluate the work of colleagues, and avoid taking on work they are not qualified to carry out
- h. ensure methodology and findings are open for discussion and full peer review
- i. ensure that research findings are reported by themselves, the contractor or the funding agency truthfully, accurately, comprehensively and without distortion. In order to avoid misinterpretation of findings and misunderstandings, researchers have a duty to seek the greatest possible clarity of language when imparting research results.
- j. ensure that research results are disseminated responsibly and in language that is appropriate and accessible to the target groups for whom the research results are relevant
- k. avoid professional behaviour likely to bring the socio-economic research community into disrepute
- l. ensure fair and open recruitment and promotion, equality of opportunity and appropriate working conditions for research assistants whom they manage, including interns/stagiaires and research students
- m. honour their contractual obligations to funders and employers
- n. declare the source of funding in any communications about the research.

2 Compliance with the law

In general, socio-economic researchers should comply with the laws of the countries in which they are based or in which they are carrying out research. In the case of international collaborations or online research, the laws of additional countries may also apply. Researchers have a duty to ensure that their work complies with any relevant legislation. Two areas of law (data protection law and intellectual property law) are particularly relevant for the conduct of research, especially research involving human subjects, and researchers should acquaint themselves with the relevant national and international provisions.

2.1 Data protection

2.1.1 Legal requirements

Socio-economic research often involves the collection and other further processing of personal data. The processing of personal data is regulated by law, and researchers have therefore to comply with the relevant national legislation of the current Member States of the European Union that implement the European Directive 95/46/CE.

► In order to comply with the terms of the data protection law, researchers should:

- a. find out whether the processing will include personal data (ie, not just confidential data but any data related to an identifiable individual)
- b. examine which national law applies, especially in international co-operations
- c. determine who will be the person responsible for the processing (the controller)
- d. collect the data only for specified, explicit and legitimate purposes
- e. collect only data that are adequate, relevant and not excessive with regard to the purpose of the processing
- f. keep the data accurate and, where necessary, keep them up-to-date
- g. process the data fairly and lawfully
- h. in general, not keep data longer than necessary according to the purpose of the processing and when the purpose is achieved, or destroy or render the data anonymous. In some countries, where personal data may be kept for longer periods for historical, statistical or scientific use, researchers may keep them longer if all the conditions for this longer storage are fulfilled.
- i. not further process the data in a way incompatible with the initial purpose(s). If the data are further processed for scientific or statistical purposes, researchers should comply with requirements regarding the re-use of personal data
- j. respect the conditions regarding the legitimacy of the processing, bearing in mind that to qualify as legitimate it must meet one of the social justifications laid down by the law
- k. comply with the information duty towards data subjects to provide information on the identity, address of the controller, purpose of the processing, and other information stipulated by law unless an exemption is provided by the law
- l. comply with duties towards National Data Protection Authorities by providing the required information regarding the planned processing and, where relevant, obtaining prior consent, unless an exemption is provided by the law
- m. respect the rights of data subjects to access personal data, rectify incomplete or inaccurate data, and to object to the processing under the stipulated circumstances
- n. take technical and organisational measures to ensure the security and confidentiality of personal data (including encryption where necessary)
- o. comply with the conditions for communication of personal data to third parties or recipients, bearing in mind that it is only lawful to transfer data if the purpose is compatible with that for which the data were originally collected
- p. refrain from transferring personal data outside the European Economic Area except where an adequate level of protection has been acknowledged by the European Commission or if not, except if the legal conditions provided by the relevant law are respected.

2.1.2 Good practice

- ▶ **Good practice, as embodied in existing professional codes, lays out the following principles, which aim at ensuring the security and confidentiality of personal data.**
- a. Researchers in socio-economic studies are obliged to protect personal data, ie information on identifiable individuals. In order to prevent misuse of data, data are to be stored properly and adequately (eg, by storing information through which individuals can be identified, separately from the remaining research material). Particular caution is necessary in this context with regard to the risks posed by electronic data processing and data transfer.
- b. Researchers should respect the anonymity, privacy and confidentiality of individuals participating in the research, and ensure that the presentation of data and findings does not allow the identity of individuals participating in a study, or informants, to be disclosed or inferred. Researchers should also ensure that this is also the case in the presentation of findings by contractors, funding agencies or colleagues. In cases where disclosure of the identity of a subject (whether an individual or an organisation) is central and relevant to the research, such confidentiality cannot always be guaranteed. In such cases the problem should be addressed in open discussion with research subjects, with the aim of obtaining informed consent to any disclosure.

The security and confidentiality of data is only one aspect of data protection; the other legal requirements are still compulsory. Therefore, research should be conducted in accordance with all the principles of the applicable national data protection legislation.

Before embarking on the collection of any personal data, researchers should take into account the duties and conditions of processing, make an analysis of the processing envisaged, identify the operations which will be involved, and the level of sensitivity of the data, in order to assess the lawfulness of the exercise.

2.2 Intellectual property

European directives on intellectual property converge with professional good practice in requiring researchers to pay attention to ensuring necessary permissions, correct attribution of authorship, acknowledgement of sources, correctness of references and the avoidance of plagiarism.

2.2.1 Legal requirements

Wherever practicable, intellectual property rights should be explicitly addressed in contracts covering the conduct of socio-economic research, whether these are funding contracts, partnership agreements or employment contracts.

- ▶ **In accordance with European directives and national legislation on intellectual property rights, the following questions and principles should be taken into account when conducting socio-economic research:**
- a. recognising the relevance of intellectual property rights to socio-economic research
- b. taking due account of the fact that (especially in an online environment and/or international co-operations) several national laws might be applicable that differ substantially from the regulations in the researcher's home country

- c. paying due respect to the fact that material used in socio-economic research is predominantly protected by intellectual property rights such as copyright, database and software protection
 - d. ascertaining which acts within typical research conduct are unacceptable without (statutory or contractual) permission due to rights being reserved for the author under intellectual property legislation (as named above)
 - e. realising how exceptions/exemptions/limitations supersede individual permission for certain acts of socio-economic research under certain conditions
 - f. understanding how to use licences and assignments of rights when creating or using material protected as intellectual property
 - g. taking into account how employment contracts might affect intellectual property
 - h. realising the consequences of copyright infringements.
- ▶ **In order to comply with intellectual property law, socio-economic researchers should:**
 - a. find out to what extent questions of intellectual property rights (copyright, database and software protection) are concerned in the particular research activity
 - b. examine which countries' laws apply, especially in international co-operations and when using the Internet
 - c. assume that any material created or used in socio-economic research might be intellectual property and consider protection before using it
 - d. realise that many ways of using protected material — such as reproduction by down-/upload or by paper/digital copies, publication, making material available on the Internet, alteration (eg for online format etc.) — are generally reserved for a rightsholder and find out when permission is therefore (in principle) required
 - e. when relying on legal permission (like the exceptions for quotation, research or 'fair use') for any particular conduct, consider carefully the respective extent and conditions
 - f. if a planned activity is not clearly covered by statutory permissions (eg, quotation rights) identify the rightsholder and conclude authorising contracts (transfer/assignment of rights/license agreements). Ascertain that the permission covers explicitly all relevant aspects — among them the description of type, extent, duration, environment (such as online) of the intended use, any preparatory or subsequent acts, rights involved, responsibility for possible infringements, remuneration etc.
 - g. where several parties are involved (researchers, assistants, funding parties, employment situations in institutes, enterprises, universities) ensure explicit consensus among parties in advance, about rights matching the intended use.

2.2.2 Good practice

- ▶ **Good practice in relation to intellectual property goes beyond the bare legal requirements. Existing professional codes lay out the following principles.**
- a. In principle, authorship is reserved for those researchers who have made a significant intellectual contribution to a research project, the writing of a research report or another scholarly piece of work. Seniority and position in a research institution's hierarchy alone is not sufficient for authorship. Honorary authorship is unacceptable. In cases where several persons collaborate on a research project or publication, the

question of authorship and intended use of the results should be discussed, and consensus achieved among participating researchers as early on in the project as possible. The order of authors listed should take account of their respective contributions to the work. All collaborating researchers, whether named as authors of a publication or not, bear responsibility for the contents of the respective publications and the presentation of data and findings in these publications.

- b. Any third parties' material protected by copyright must be clearly identified and clearly attributable to their original authors, regardless of the form their presentation and quotation might take (except in cases where it is necessary for the original author to remain anonymous; in such instances, however, it must be made clear that the information was provided by an anonymous person). Lack of permission for a given use is considered as theft of intellectual property. Even if material, including data, sources, information or ideas drawn from the work of others is not protected by copyright, it should be identified as third parties' material. Failure to acknowledge the original authorship of such material, as well as knowingly presenting ideas, methodologies and research findings of others in ways that may lead observers to suppose that they are one's own, is regarded as plagiarism and is unacceptable.

2.3 Other laws

A wide range of other laws may also apply, varying from general health and safety, employment and anti-discrimination laws, to specific regulations governing the appointment and management of researchers, and more specific regulations that may govern the context in which particular kinds of research are carried out.

- ▶ **There may be certain circumstances that form exceptions to this rule, for instance when criminal behaviour itself forms the subject of the research undertaken. In such cases, researchers should:**
 - raise the matter with research funders
 - ensure that full documentation is maintained to establish the bona fide nature of the research, and
 - where necessary, seek the advice of their relevant professional association.

In more extreme cases, research may be carried out in countries where democratic government is absent, or relatively recent, and certain laws are considered to be inherently unjust, socially harmful or detrimental to scientific integrity. In such cases too, individual researchers must take responsibility for decisions of professional judgement and their professional associations have a responsibility to support them.

Partners in the RESPECT project were:

The Institute for Employment Studies (IES), UK [lead partner]
www.employment-studies.co.uk

Centre de Recherches Informatique et Droit (CRID), Facultes Universitaires Notre-Dame de la Paix, Belgium
www.droit.fundp.ac.be/crid

Institut fuer Informations-, Telekommunikations- und Medienrecht Zivilrechtliche Abteilung (ITM), Westfaelische Wilhelms-Universitaet, Germany
www.uni-muenster.de/Jura.itm

3 Avoidance of social and personal harm

It should be an overriding aim of socio-economic research that the results should benefit society, either directly or by generally improving human knowledge and understanding. It follows from this aim that in the conduct of the research, researchers should aim to avoid or minimise social harm to groups and individuals.

With this in mind, socio-economic researchers and their funders should reflect on the consequences of participation in the research for all research subjects and stakeholders.

Research should be designed responsibly in order to ensure that the methodology is appropriate, that no group is unreasonably excluded and that harm is minimised. Participants should not be worse off as a result of their involvement in the research. Research should also be designed in order to maximise its utility and relevance for the benefit of society.

Wherever possible, and providing that this does not conflict with other ethical or scientific considerations, representatives of the social groups under study should be actively involved in the research.

- ▶ **In particular, researchers should endeavour to:**
 - a. ensure that participation in research is voluntary, on the basis of informed consent, taking account of the specific requirements of differing types of quantitative and qualitative research
 - b. take special care to protect the interests of children, the mentally impaired, the elderly and other vulnerable groups
 - c. ensure that the views of all relevant stakeholders are taken into account where this does not conflict with other ethical or scientific principles
 - d. ensure that research participants are protected from undue intrusion, distress, indignity, physical discomfort, personal embarrassment or psychological or other harm
 - e. ensure that the research process does not involve unwarranted material gain or loss for any participant
 - f. ensure that research results are disseminated in a manner that makes them accessible to the relevant social stakeholders
 - g. ensure that research is commissioned and conducted with respect for all groups in society regardless of race, ethnicity, religion and culture, and with respect for and awareness of gender or other significant social differences
 - h. avoid harassment or discrimination against research assistants, trainees or other colleagues and minimise any safety risks.