

## The University of Birmingham Code of Ethics

### Ethics at Birmingham

The University of Birmingham is committed to the highest standards of ethical conduct in all our activities. Each member of the University community — staff (including honorary, emeritus and visiting staff), students, members of Council and other University committees — has a responsibility to act ethically and in accordance with the Nolan Committee’s principles for public life: *Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership*.

The University has recognised and acted upon the importance of ethical values since our establishment in 1900. The values, which guide our approach to ethics, are embedded within the University’s Charter, Statutes, Ordinances, Regulations, Codes of Practice and Policies (“[University Legislation](#)”).

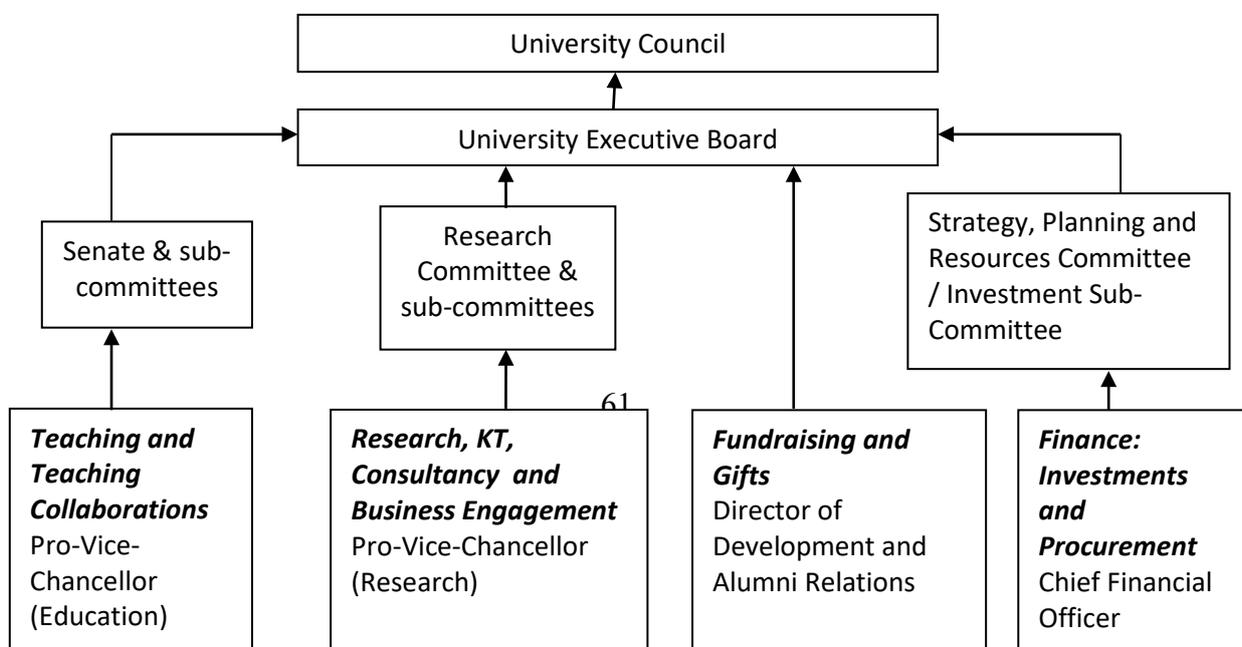
The University Legislation encompasses well-established ethical policies and procedures relating to our core activities of teaching, research, knowledge transfer, fundraising, investments and procurement. These are kept under regular review. In light of the Woolf Report regarding events at the London School of Economics, a review of our overall approach to ethics was undertaken. This review concluded that a Code of Ethics should be produced to draw together the University’s existing ethical policies in these core areas of activity in a single overarching document. This document is that Code.

### The Code of Ethics structure

This Code of Practice is designed to provide an accessible, overarching guide to ethical conduct which is grounded in four core activities: teaching, research and knowledge transfer, fundraising and gifts, and finance (investments and procurement). This Code outlines the approach for each of these areas and gives links to more detailed information, including: related policies, procedures, guidance documents, and point of contact for initial enquiries.

The University’s Executive Board (“UEB”) has an over-arching responsibility to Council to keep this Code under review. However, for each of the four areas, detailed ethical matters and processes, including the detailed consideration of ethical cases, rest with the University committees and sub-committees listed below:

Figure 1: Governance structure within this Code of Ethics



A member of the University's senior leadership is responsible for ethical issues in each of the four areas (as per Fig.1). Their responsibilities include:

- Management, implementation and communication of ethical policies and procedures;
- Ensuring due diligence is undertaken on ethical issues;
- Escalating ethical issues within the University through to the relevant committees (including UEB on particularly difficult issues);
- Ensuring appropriate training is undertaken on ethical issues; and
- Keeping the ethical policy and procedures in their area under review and bringing forward any changes for approval.

The University recognises that ethical queries can arise in a variety of circumstances. In most instances, ethical matters can be dealt with through one of the four areas. A contact is given later in the Code for each area, who can be approached for advice on how to deal with a particular issue.

It is the responsibility of all members of the University to act ethically. If in doubt about how to resolve an ethical dilemma, the following guidance for individuals on decision-making will help form the basis for good ethical behaviour.

Revised by Council

24th April 2018 (plus changes in post titles and holders updated since then)

## The Code of Ethics in Practice

In addition to the processes outlined in this Code for ethical issues within the core activity areas, every member of the University is expected to act with integrity in their work. Good ethical conduct is not an isolated response to a specific problem but the process of making effective choices from day-to-day.

When dealing with a situation with ethical implications, you should consider the following questions and guidance:

- Are you confident that your decision is the correct action?
- Could you happily justify your behaviour to your manager or a colleague or friend if asked?
- What would your actions look like if publicised in the media?
- What could go wrong as a result of your decision for you, your colleagues (staff and students), other stakeholders or the wider University?

Another perspective can often help to determine the way forward. So, if you are concerned, postpone any action until you have obtained further advice. Talk to your Line Manager and discuss the situation.

### *Is it your decision to make?*

It is not feasible for an individual to be an expert in every single field of activity. Please check this Code of Ethics and the University's website to see if there is specific University Legislation or guidance that relates to your enquiry. It should not be assumed that there is nothing in place.

Where University Legislation or guidance do exist, please direct the enquiry to the appropriate contact specified in the relevant document to take forward. If in doubt, please contact the University Officer highlighted in each core activity section in this Code as the first point of enquiry for ethical issues in that area.

### *Handling complex ethical questions*

Individuals with complex ethical questions that cannot be addressed through the guidance and discussion with the relevant contacts should refer to their Line Manager or Supervisor in the first instance. If, due to the nature of the issue, it is still unclear what next steps should be taken then the Registrar's Office should be contacted to provide advice on the appropriate individuals to consult.

### *Code of Practice on Public Interest Disclosure and Whistleblowing*

The [Code of Practice on Public Interest Disclosure and Whistleblowing](#) may be used if the complex ethical question is not covered by the processes and links to the relevant University documents in this Code. This is designed to allow staff, students and all members of University bodies (eg University Committees) to raise, at high level, concerns or information which they believe in good faith provides evidence of malpractice or impropriety. Individuals discovering apparent evidence of malpractice, impropriety or wrongdoing within the University should feel able to disclose the information appropriately without fear of reprisal. A person making a disclosure in good faith, without malice, and in accordance with this Policy will not be

penalised for doing so. This Policy is intended to be used to raise matters of general concern in the public interest.

This University Code of Ethics is available: on the University's website, to all new employees as part of the induction process, to all students and third parties upon request.

## **1 Teaching and Teaching Collaborations**

The University Senate has a general responsibility to the University Council for regulating teaching, including examining and the award of University qualifications. In practice, detailed ethical aspects of teaching are delegated to other University committees, notably Senate sub-committees, such as the University Education Committee. The senior member of University staff responsible for ethical matters in teaching and teaching collaborations is the Pro-Vice-Chancellor (Education).

### **1.1 Promoting equality**

The University of Birmingham is committed to an inclusive learning environment that enables students to reach their full potential, in accordance with the University's Legislation and its [Equality Scheme](#). This accords with the duties under the Equality Act 2010 to treat students, staff and visitors to the University with dignity and respect, not to unlawfully discriminate as set out in the Equality Act, and to promote good campus relations and equal opportunities.

### **1.2 Fair admissions**

The University of Birmingham was England's first civic university where students were accepted on academic merit regardless of religion, race, gender or background. This is enshrined in the University Charter. The Senate has overall responsibility for ensuring fair access to the University and ethical issues relating to admissions are resolved through the [Code of Practice on the Admission of Students](#), which includes a review process.

### **1.3 Academic quality and progression**

The University is committed to excellent scholarship on the basis of academic integrity, honesty and respect for the intellectual activity of others. Our education policy is led by the University Education Committee which reports to Senate and its sub-committees responsible for access and progress, quality assurance; student academic engagement and collaborative provision. The ethical aspects of programmes are considered as part of the Programme approval process.

Students' academic progression is based on academic achievement. Student scholastic work is expected to demonstrate a level of independent thought and the provision of clear referencing to all sources consulted. The University reserves the right to use all legitimate means at its disposal to detect plagiarism wherever it arises and to take the appropriate action in response to the identification of any misconduct (please refer to the [Code of Practice on Academic Integrity](#) for full details of this process). Guidance, in respect to plagiarism and other forms of academic misconduct, is available through Schools and the [Academic Services website](#).

### **1.4 Student feedback and representation**

The University's system for student representation and feedback encourage students to become responsible partners in their education, providing them with opportunities for active involvement in, and ownership of, their learning. Elected Student Representatives from all subject areas, undergraduate and postgraduate, are given responsibility for reporting on student issues within their subject to University staff and to the Guild of Students. This allows ethical concerns regarding the subject or method of teaching to be raised at an early stage and

at the appropriate level. The respective responsibilities and expectations are clarified in the [Student Charter](#) and the [Code of Practice on the Student Representation System](#).

### **1.5 Teaching collaboration**

The Collaborative Provision Sub-Committee carefully scrutinises and, where appropriate, approves academic collaborations with other universities and organisations which support the University's strategic aims and bring benefits to those involved, and are not discriminatory. Due diligence is explicitly carried out with regard to collaboration provision arrangements in order to ensure they are equivalent in quality and standards (student experience as well as academic content) to comparable awards delivered solely by the University, and are compatible with any relevant external quality benchmark standards. Ethical issues involving teaching collaborations are considered as part of this process.

For more details on Teaching and Teaching Collaboration, please see

- [Academic Services Codes of Practice, Policies and Guidance](#)
- [Code of Practice on Admission of Students](#)
- [Equality Scheme](#)
- [Code of Practice on Academic Integrity](#)
- [Code of Practice for Research](#)
- [Code of Practice on Freedom of Speech on Campus](#)
- [Data Protection Policy](#)
- [General Conditions of Use of Computing and Network Facilities](#)
- [Student Charter](#)
- [Policy on Collaborative Provision](#)
- [Fairness and Diversity Policy](#)
- [Safeguarding Children and Young People Policy](#)
- [Anti-Bribery and Corruption Policy](#)
- [Information Security Policy](#)

Please contact the Director of the Registry and Education Support if there are any questions that cannot be addressed through the policies above.

## **2 Research, Knowledge Transfer (KT), Consultancy and Business Engagement**

The University Research Committee maintains oversight of ethical issues in research, primarily through the Research Governance, Ethics and Integrity Committee (RGEIC). In turn, RGEIC coordinates and receives reports from specialist subject Ethical Review Committees, BERSC (which covers animal research), the Clinical Trials Oversight Committee, and the Human Tissue Act Coordination Group: bodies which undertake detailed consideration of the ethics and governance of research.

‘Knowledge Transfer’ occurs in many forms throughout the University and University ethical matters in this field are also overseen by the Research Committee. This recognises that Knowledge Transfer is a natural consequence and part of the translation of Research ideas into the community. Ethical activities specifically relating to development and commercialisation of intellectual property, personal academic consultancy and spin out companies are channelled through the University’s wholly owned subsidiary company, University of Birmingham Enterprise Ltd. University of Birmingham Enterprise Ltd’s ethical policies and processes are aligned to the University’s Legislation.

The senior member of University staff responsible for ethics and integrity matters in research, KT and consultancy is the Pro-Vice-Chancellor (Research), who chairs the Research Committee and the RGEIC, and also attends the University of Birmingham Enterprise Ltd Board.

### **2.1 Academic freedom**

Academic Freedom is an important consideration in ethical matters relating to research. The institutional commitment to academic freedom is enshrined in the University legislation: *“To ensure that members of Academic Staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their job or privileges.”*

### **2.2 Original, significant and rigorous research**

The conduct of research is covered by the University’s [Code of Practice for Research](#). Staff must be honest, accountable and lawful in respect of their own research as well as that of their students and others working with them on research. Responsible ethical conduct is expected in all aspects of research including applying for funding, experimental design, generating and analysing data, using equipment and facilities, publishing results, and acknowledging the direct and indirect contribution of colleagues, collaborators and others.

All research is required to undergo the appropriate research ethics review process. For staff and postgraduate students, this process is managed by the relevant specialist subject Ethical Review committees reporting into RGEIC. This approach promotes best research practice, takes account of subject-specific issues, and secures the interests and welfare of research participants, researchers and other stakeholders.

Where research falls within specific regulatory and legislative frameworks (e.g. the Department of Health Research Governance Framework, the Human Tissue Act 2004, the Medicines for Human Use (Clinical Trials) Regulations 2005, or the Animals (Scientific Procedures) Act 1986), staff and students are required to comply with the relevant regulatory requirements and the University’s specific ethical processes managed by specialist committees

which report into RGEIC. Staff and students affected by these requirements should contact the Research Governance and Ethics Team for support in the first instance.

### **2.3 Legal and financial protection**

Staff must ensure that all externally funded research and KT activities are administered through the correct University channels, and locally based College Research Support Offices are positioned to guide and support academic colleagues through these procedures. This critical step ensures that all externally funded activity is safely established with the relevant legal and financial protection for all parties.

The central Research Support Group (including Contracts, Research Finance, and Research Governance and Ethics teams) is responsible for approving all financial and contractual agreements relating to University research and knowledge transfer activities as appropriate. University of Birmingham Enterprise Ltd supports personal consultancy, IP licensing and spin out activities.

### **2.4 Personal consultancy and outside activities**

Academic staff wishing to engage in outside activities (e.g. personal consultancy) must first obtain authority to do so from their Head of School and provide such information as required to enable a decision on this matter to be made. The details of this process are set out in the University's [Outside Activities Policy](#).

Individuals are expected to consider their integrity and accountability as an employee of the institution before submitting requests to undertake private work. Particular note will be taken of the University's Protocols on Conflicts of Interest.

### **2.5 Business Engagement**

The Pro-Vice-Chancellor (Research) is the senior member of staff responsible for ethical review of Business Engagement. Prior to signing a contract for a partnership with business or prior to the acceptance of industry research funding, a due diligence process is conducted using ethical review criteria. The Pro-Vice-Chancellor (Research) will be notified by the Director of Business Engagement of any case of concern and will be responsible for determining whether or not the partnership is pursued or whether the industry research funding is accepted. However, complex ethical cases may be referred by the Pro-Vice-Chancellor to UEB or Council (via UEB) for further consideration and determination.

For more information relating to Research and Knowledge Transfer, please see the following related documents:

- [Code of Practice for Research](#)
- [Outside Activities Policy](#)
- [Research Ethics Review process](#)
- [Research Ethics Resources](#)
- [Use of Animals in Research Policy](#)
- [Data Protection Policy](#)
- [Information Security Policy](#)
- [General Conditions of Use of Computing and Network Facilities](#)
- [Code of Practice on Academic Integrity](#)
- [Safeguarding Children and Young People Policy](#)
- Protocols on Conflicts of Interest
- [Code of Practice on Freedom of Speech on Campus](#)
- [Standard Operating Procedure for Clinical Trial Management](#)

Please contact the Research Ethics, Governance and Integrity Team if there are any questions that cannot be addressed through the policies above.

## Fundraising and Gifts

### **3.1 Acceptance of all philanthropic funding by the University of Birmingham is managed by the Development and Alumni Relations Office (DARO).**

The [Ethical Guidelines for Fundraising](#) are publically available on the University website and outline the basis on which the University will accept donations. This includes whether the funding is aligned with the University's strategic mission and whether there is any evidence of fraud, human rights issues, or illegal activities which would damage the University's reputation.

All philanthropic funding must be approved by DARO and appropriate due diligence will be undertaken in advance of acceptance of this funding. The Vice-Chancellor will be notified of any case of concern by the Director of Development and Alumni Relations and the Vice-Chancellor will be responsible for determining whether or not the funding is accepted. However, complex ethical cases may be referred by the Vice-Chancellor to UEB or Council (via UEB) for further consideration and determination. The University reserves the right to decline philanthropic funding which has not been approved by the Vice-Chancellor and/or which is of risk to the University's academic work, reputation, intellectual property or finances.

The University Executive Board (UEB) has oversight of fundraising and gifts on behalf of Council but complex ethical cases in this area can be escalated to Council. The senior member of University staff responsible for ethical matters in fundraising and gifts is the Director of Development and Alumni Relations.

### **3.2 All donations will be used to support the educational mission of the University**

The University of Birmingham is an 'exempt' educational charity (essentially this means exempt from registration with the Charity Commission), whose principal charity regulator is the Office for Students. The University is required to comply with general charitable law, and to act within its objects for the advancement of education (which includes matters such as research, knowledge advancement, impact, and scholarships). A statement on fundraising and the impact of philanthropic donations is presented in the University's Annual Report.

### **3.3 Transparent and responsible fundraising**

The University's fundraisers are trained and monitored to focus upon the supporter relationship as the priority, and commit to ethical standards of behaviour via the [Donor Promise](#). Any complaints on fundraising activity are processed in accordance with the University's Fundraising Complaints Policy. The University is also registered with the Fundraising Regulator and abides by their Code of Practice.

### **3.4 All donor information is confidentially and carefully stored and managed**

All donor records maintained by the University are kept confidential. Donors have the right to see their own donor record, and to challenge its accuracy. The University will not sell either its donor or alumni lists. The Ethical Guidelines for Fundraising, which are distributed to donors and are publicly available, set out these commitments. Details of how individual data is stored and managed by the University to deliver its relationships with alumni, fundraising prospects, donors, and volunteers are provided in the DARO Data Protection Policy.

For more details on Fundraising and Gifts, please see the following related documents:

- [Donor Charter & Ethical Guidelines for Fundraising](#)
- [Donor Promise](#)
- [Key Charitable Information on the University of Birmingham](#)
- [Register of Gifts and Hospitality](#)
- Protocols on Conflicts of Interest
- [Anti-Bribery and Corruption Policy](#)
- [Data Protection Policy](#)
- [Information Security Policy](#)
- [Fundraising Regulator](#)

Please contact the Director of Development and Alumni Relations if there are any questions that cannot be addressed through the policies above.

### **3 Finance: Investments and Procurement**

General oversight of ethical issues in University finance is the responsibility of the Strategy, Planning and Resources Committee of Council. It is supported by an Investment Sub-Committee, which is responsible for detailed matters of investment and considers the ethical implications of such choices. The senior member of University staff responsible for ethical issues in finance is the Chief Financial Officer.

The University of Birmingham uses our funds in alignment with our charitable status and ethical principles.

#### **4.1 Honest and transparent business operations**

It is University policy that all staff, students and agents working on behalf of the University conduct business without the use of corrupt practices or acts of bribery to obtain an unfair advantage.

All staff, members of Council and University committees are required to recognise and declare activities or circumstances that might give rise to conflicts of interest or the perception of conflicts as it first arises (these declarations are retained on the University's Register of Interests), and to ensure that such conflicts are seen to be properly managed. Discussions should be held with the individual's Line Manager or Supervisor where questions exist.

It is an offence under the Bribery Act 2010 for members of staff, student or University committees to accept, offer or give corruptly any gift or consideration (including hospitality) as an inducement or reward. Giving or receiving gifts, entertainment or hospitality in matters connected with University business is acceptable provided they fall within reasonable bounds of value and occurrence and are registered in accordance with the [Gifts and Hospitality Policy](#). All members of the University community must risk assess the vulnerability of their activities to accusations of bribery and corruption, particularly overseas activities, on a continuous basis. Concerns should be raised in accordance with the University's [Anti-Bribery and Corruption Policy](#).

The University does not tolerate modern slavery and is committed to implementing and enforcing effective systems and controls to minimise the risk of modern slavery taking place anywhere in the University, its activities, its supply chains or through its collaborative partners, in accordance with the requirements of the Modern Slavery Act 2015. Further details are provided in the Anti-Slavery and Human Trafficking Policy and the annual Anti-Slavery and Human Trafficking Statement.

#### **4.2 Socially Responsible Investment.**

The University's Investment Sub-Committee reviews the institutional financial investment policy and underlying strategy on an annual basis and takes ethical considerations into account in making investment decisions.

As an educational charity, the University must be mindful of securing the effective use of its funds to ensure its financial sustainability. The University's investment policy excludes direct investment by/in the tobacco industry.

### 4.3 Procurement

Expenditure of University funds must be administered with the highest levels of probity and transparency with all parties responsible for securing the best value for money in purchases. To our best endeavours, the University ensures that our chosen suppliers also abide by standards of ethical conduct that satisfy our requirements and are in line with our [Procurement Strategy](#).

The Procurement Office undertakes due diligence, which includes consideration of reputational and ethical considerations as part of the contracting process, raising issues with the Chief Financial Officer as necessary.

For more details on Finance: Investments and Procurement, please see the following related documents:

- [Manual of Financial Rules](#)
- [Procurement Strategy](#)
- [Code of Practice on Corporate Governance](#)
- [Anti-Bribery and Corruption Policy](#)
- [Gifts and Hospitality Policy, including the Register of Gifts](#)
- [Annual Modern Slavery and Human Trafficking Statement](#)

Please contact the Chief Financial Officer if there are any questions that cannot be addressed through the policies above.