

**Rules of procedure for ethics representatives and the advisory committee for the resolution of ethical concerns regarding research topics during the initial stage Version 1.0, adopted by resolution at the 77th Board meeting on 04/11/2020**

**Preamble**

The present procedure is designed to provide support and advice to researchers (students and employees of FH JOANNEUM) as well as to management staff (e.g. heads of degree programmes, heads of institutes, project managers) who approve topics for research projects and are thus responsible for them. This procedure will only apply where these persons have ethical concerns in the context of a specific research question, an intended method or other aspects and if the relevant research process is still in its initial stages, but in any event prior to formal approval of the research topic in question.

The procedure is divided into three stages. At the first stage, the person seeking advice may consult an ethically and professionally competent ethics representative. This consultation is to provide a simple, quick and unbureaucratic way to offer support, either by eliminating such ethical concerns or by providing helpful suggestions for alternative, acceptable topics or methods.

If this does not lead to a satisfactory solution from the perspective of the person seeking advice, he/she may move to the second stage and consult the committee for the resolution of ethical concerns regarding research topics. This committee consists of at least three ethics representatives and serves to reach a satisfactory solution based on constructive discussion.

If despite this the committee or the person seeking advice still have essential concerns or questions regarding the research issue, the third and last stage is to call another meeting of the committee. Further investigations may be conducted for this meeting or additional experts may be invited to the meeting. In order to justify these efforts, however, the ethical question under discussion should be reasonably significant for the quality assurance of FH JOANNEUM.

The person seeking advice shall be in control of the process throughout all these stages. He/she may refrain from any further consultation and can thus terminate the process, since this support is offered exclusively on a consensual basis.

The guideline is structured as follows:

Section 1: Selection, qualification, rights and obligations of ethics representatives

Section 2: Composition, rights and obligations of the advisory committee for the resolution of ethical concerns regarding research topics (“Committee”)

Section 3: Process description for consultation of ethics representatives in the event of ethical concerns involved in research topics

Section 4: Process description for consultation of the Committee in the event of persistent ethical concerns regarding research topics

### **Section 1**

#### **Selection, qualification, rights and obligations of ethics representatives**

§ 1 (1) The Board shall appoint at least one ethics representative for each department, preferably based on a suggestion by the head of department. The task of the representative is to provide advice and establish the relevant facts in cases of doubt concerning the ethical viability of a suggested problem, research question, intended research method or other aspects of a research project.

(2) Ethics representatives must meet the following qualifications:

- active employment with FH JOANNEUM;
- expertise in the relevant thematic field (e.g. professional activity, teaching, publication, reviewer for related topics);
- proof of relevant ethical competence in the field (e.g. documentary evidence of relevant training, research or teaching activities on ethics topics, membership in ethics committees or equivalent value-based decision-making bodies).

(3) The term of office of ethics representatives shall commence upon appointment by the Board and end by withdrawal or formal termination by the Board. The Board may formally terminate the term of office for good cause if the mutual trust between the representative and the heads of institute/department and/or the Board is perceived as being substantially impaired.

(4) The ethics representatives are independent in discharging their duties, they are not subject to directions and are bound to secrecy. They report on their activities to the advisory committee for resolution of ethical concerns regarding research topics where this is conducive to resolving an ethical question and safeguarding the interests of the person seeking advice. They discharge their duties subject to strict confidentiality obligations in order to protect the person seeking advice. Ethics representatives may be released from their confidentiality obligation by a court if there is a risk to legally protected interests of higher priority than protecting the anonymity of the person seeking advice at later stages of the procedure. This may concern, for example, misuse of information provided by the ethics representative or the committee if this might damage the reputation of a person.

## **Section 2**

### **Composition, rights and obligations of the advisory committee for the resolution of ethical concerns regarding research topics (“Committee”)**

§ 2 (1) The ethics representatives appointed by the Board are members of the advisory committee for the resolution of ethical concerns regarding research topics, hereinafter referred to as the “Committee”.

(2) The Committee shall appoint a committee chair and a vice-chair from among its members for the term of office of the Board. The chair, or in his/her absence the vice-chair, shall convene and chair the meetings of the Committee.

(3) The chair shall call a joint meeting of all ethics representatives at least once a year in order to discuss and present the experiences of the previous year, including but not limited to cases in which the representatives were involved during that period, and derive recommendations for safeguarding good research practice and compliance with the standards of sound research ethics, based on the university's canon of values<sup>1</sup>, in particular the principle of freedom of teaching and research. The Committee shall pass resolutions on the content of the annual report by majority vote subject to strict confidentiality. The report shall include the following elements as a minimum:

- the number of cases dealt with,
- the relevant key issues of these cases,
- the recommendations derived therefrom in an anonymised and generalised form,
- the number of consultations carried out by ethics representatives,
- the number of meetings held by the Committee,
- and any other activities.

This report shall be sent to the Board by the Committee chair in a timely manner and may be published by the Board.

## **Section 3**

### **Consultation by ethics representatives in the event of ethical concerns involved in research topics**

§ 3. (1) Members of FH JOANNEUM who address a specific research question, whether

- as a student as part of the curriculum,
- as a supervisor of Bachelor's and Master's theses,

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<sup>1</sup> "We express our strong belief in the fundamental values of higher education that reflect the achievements of enlightenment. [...] Furthermore, we emphasize the contribution of higher education institutions to society, fostering intercultural understanding, equitable access, civic engagement, and ethical education, and enhancing social responsibility." (Vienna Statement of the representatives of the Rectors conferences, 2018, p. 1, [https://uniko.ac.at/themen/unis\\_4\\_enlightenment/wiener\\_erklaerung](https://uniko.ac.at/themen/unis_4_enlightenment/wiener_erklaerung)).

- as a head of degree programme during the approval process for Bachelor's and Master's theses,
- as persons and coordinators responsible for the quality management of Bachelor's and Master's theses,
- as persons actively and passively involved in research and publication projects,

and who have serious doubts concerning the ethical viability of a specific research topic or scientific method, shall have the opportunity to inform the responsible ethics representative of their concerns and to request an assessment in terms of research ethics. Requests may be made in an informal manner and will be treated in strict confidence. Anonymous requests will not be dealt with and will be deleted immediately.

(2) Such requests shall be dealt with by the relevant ethics representative in a timely manner. If the representative is unable to deal with a request in good time and in a professionally sound and neutral manner as a result of

- (i) time constraints,
- (ii) lack of competence in the field, or
- (iii) potential bias,

he/she shall delegate the request to another ethics representative in agreement with the person seeking advice. If the latter refuses to delegate the request, the obligation of the ethics representative to the person seeking advice shall cease to apply, but the representative shall in any event remain subject to confidentiality obligations.

(3) Requests shall be answered with a clear and concise comment on the ethical acceptability, or the ethically problematic aspects of the research topic submitted. The response shall also include a justification that can be clearly understood by the person seeking advice. If the ethics representative has serious concerns, he/she shall suggest potential alternative research topics or methodological approaches which are acceptable from a research ethics perspective.

(4) If the requesting person considers the information insufficient, or if the relevant ethics representative finds the question too complex from a research ethics perspective to be properly answered by him/her alone, the representative shall inform the person seeking advice of the following further option:

The person seeking advice may explicitly request that the matter be referred to the Committee pursuant to Section 4.

(5) If the requesting person makes explicit use of this option, the ethics representative shall inform the Committee chair about the request with the utmost discretion. The relevant ethics representative shall prepare the matter together with the requesting person and summarise the concerns and objections raised from a research ethics perspective. The viewpoints and concerns of the requesting person must be presented clearly and concisely. The requesting person must agree to the presentation of his/her request before the matter can be forwarded to the Committee chair (which should be done as soon as possible). The person seeking advice

shall be free to withdraw his/her request at any time without giving reasons and thus terminate the consultation process.

#### **Section 4**

##### **Consultation by the Committee in the event of persistent ethical concerns regarding research topics**

§ 4. (1) The Committee shall be convened by invitation of the chair or at the request of one of its members in agreement with the person seeking advice as soon as possible (but in any event within four weeks). Such meetings may also be held virtually, e.g., by video conferencing.

(2) Such consultation meetings shall be attended at least by the chair or the vice chair, the ethics representative dealing with the request and one other ethics representative, who must have sound expertise in the field related to the request. Where possible, the person seeking advice should also participate in this consultation, including by electronic means (e.g., video conferencing) if necessary. All Committee members present shall maintain strict confidentiality of all matters discussed during the meeting.

(3) The person seeking advice is invited to present his/her request to the Committee but may also delegate this task to his/her representative. The latter shall in any event support the person seeking advice and assist the Committee in resolving the research ethics concerns. The person seeking advice may at any time participate in the consultations of the Committee by putting forward questions and considerations.

(4) If the majority of the ethical concerns regarding the research question can be eliminated, the person seeking advice will be promptly informed, if necessary, by the ethics representative in charge of the case.

(5) If it is not possible to eliminate substantial ethical concerns regarding the research question, the Committee will provide support by recommending potential alternative research topics or methodological approaches which are acceptable from a research ethics perspective.

(6) The Committee may resolve to conduct further investigations if desired by the person seeking advice and suggested by a member of the Committee. It may delegate this task to one or more of its members or may also choose to consult other relevant experts, always observing the principle of proportionality, efficiency and confidentiality. A new date shall be scheduled shortly after the further investigations have been concluded.

(7) The meetings of the Committee shall not be open to the public.

(8) The meetings of the Committee shall be recorded in minutes in an anonymised form. The minutes shall summarise the main results and shall be retained for the annual meeting of the Committee and the annual report to the Board pursuant to § 2(3).

**Section 5**  
**Entry into force**

§ 5 These rules of procedure shall enter into force with immediate effect by resolution of the Board dated 04/11/2020.