Knowledge Exchange Practice Note 2019/A5

Ethical management of knowledge exchange

This document is based on a range of University policies which are mandatory and which have application to the topic of knowledge exchange. These University policies are listed in the Introduction below and relevant elements of them are referred to in the paragraphs which follow it. Those engaging in Knowledge Exchange activities are encouraged to read the full University Policies as appropriate in addition to this Information Paper.

Introduction

In its broadest sense, knowledge exchange covers a range of activities which bring about 'the movement of people and ideas between the research base and user organisations' including 'companies, the public sector, charities and other research bodies' (RCUK). Often the focus is on the exploitation and commercialisation of the results of research.

The seven Principles of Public Life ('the Nolan Principles') identified by the Committee on Standards in Public Life (https://www.gov.uk/government/publications/the-7-principles-of-public-life) apply to knowledge exchange activities in which the University, a publicly accountable body, is engaged. These Principles are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

In addition, further principles and practices as set out in the following University documents apply to knowledge exchange activities –

- Staff Intellectual Property Rights and Revenues (HRPS25);
- Conflict of Interest and Commitment (HRPSXX);
- Conflict of Interest, Ethics (APS21);
- Openness (GPS1);
- Freedom of Information (GPS5);
- Data Protection (GPS4);
- Sustainability (APS5);
- Equal Opportunities (HRPS8);
- The Code of Practice for Research;
- The Management of Confidential Information: Code of Practice and Procedures;
- the Financial Regulations.

Knowledge exchange activities involve relations with outside agencies, staff and, sometimes, with students.

1. Relations with outside agencies

Relations with government, the private sector, funding authorities involved in part-funding of commercially focused knowledge exchange activity are expected to be open, secure, honest and explicit. The University will meet these obligations by:

1.1 Being open as far as commercial sensitivity allows: Knowledge exchange activities should be transparent and open insofar as working partnerships allow, and as required by the University's Policy on Openness, and the Freedom of Information Act. Where the exploitation of Intellectual Property is envisaged, there will be a need for confidentiality so as to ensure that the legal requirements of registration are met. The conditions and processes regarding confidentiality as set out in The Management of Confidentiality: Code of Practices and Procedures will be followed. Where a conflict of interest with the University's public mission, mandates or stakeholder interests exists, this will be reported to the working partner and, if possible, a solution found consistent with the Conflict of

Interest Policy (and the Conflict of Interest Policy for Business). Where commercial sensitivity in knowledge exchange work requires a degree of discretion to be exercised in openness, the University expects that this will be documented and reported to the School Ethics Committee in outline. The Freedom of Information Act has an exemption in respect of commercial confidentiality (s43). There is also an exemption (s40) to protect personal data – as required under the Data Protection Act 1998.

1.2 Regarding all transactions, discussions, arrangements and contracts as secure and sensitive communications: Trust and integrity are the foundation of the University's dealings with external agencies and partners in knowledge exchange work. Therefore, RKEO staff shall not disclose details of those dealings to third parties, unless required to do so by law, regulatory authority, or where disclosure is required in the public interest (such as may be required under the Freedom of Information Act .

1.3 Engaging in contractual arrangements for the delivery of knowledge exchange activities and respecting the legally binding nature of any contract in all its actions. This means that, even where a stipulation in a contract would prove onerous, once agreed it will be accepted and implemented. This does not mean that the University would not seek to revise an unworkable contract by negotiation; it does mean that the University would seek to deliver the contract to the best of its ability and the terms of the contract until such revision were possible. Termination of the contract might be an outcome of negotiation, but the University would exhaust negotiation in all cases before reaching that stage.

1.4 Working independently of external pressure while remaining alert to the possibility of internal partiality. The University will, in all dealings – whether with external clients or its own staff - pay attention to the impact of external influences in shaping decisions with regard to knowledge exchange activities involving public funds, in accordance with the Policy on Conflict of Interest and with the Financial Regulations. RKEO staff will ensure, through the decision structures used for agreement to new work, that such external influences do not have a preponderant influence upon such decisions. Equally, they will seek to ensure that 'internal partiality' and the favouring of those organisations with which the University is closely connected is, again, prevented by active use of decision structures to check it.

2. Staff and students

The same characteristics of open, secure, honest and explicit dealings frame the University's ethical approach to knowledge exchange activities with respect to staff and students. In addition to the above principles, the RKEO will meet these obligations by,

2.1 Ensuring all potential conflicts of interest in knowledge exchange are declared and subsequently managed. In accordance with the Conflict of Interest Policy, all conflicts of interest - including those between personal interest and University interest – will be scrutinised where declared. Declarations of conflicts of interest will be an expectation of all of those involved in knowledge exchange work. This is an area of great concern in those HEIs in which research knowledge is transferred by means of spin-out. At Middlesex, where others forms of knowledge exchange are more common, the principle that declaration is required will be enforced. Investigation of potential conflicts will be conducted in accordance with the Conflict of Interest Policy (section 6) where not previously declared and questioned through the University's conflict of interest/outside interests declarations policy.

2.2 Ensuring that the intellectual contributions of others are always respected, acknowledged, honoured and rewarded .In accordance with legal requirements, the University's Policy on Staff Intellectual Property Rights and Revenues (HRPS25), and the Code of Practice on Research (especially

section 3.3 on Authorship) the University will ensure that all IPR subject to exploitation through knowledge exchange is fully and wholly its own, and that all contributions of those outside or inside the University – and not subject to contractual obligations with regard to disclosure – are fully respected. Where, for example, University innovations depend crucially upon technological or other prior innovations elsewhere (so that, for example, the 'uniqueness test' would prevent patenting), University staff will give full respect and acknowledgement to the IPR rights of others.

2.3 Taking steps to ensure misrepresentation, in whatever form, is actively discouraged and penalised. The Code of Practice for Research and the Financial Regulations include systems for the prevention of misconduct in University-mediated knowledge exchange work e.g. plagiarism, falsification of data, misrepresentation of financial accounts and invoices. Business conduct is not inherently more likely to produce malfeasance than other conduct, but it may provide a more tractable set of opportunities. The University ensures – through audit, accounts supervision, technology appraisal and disclosure processes – that staff are fully aware that the University takes these forms of misconduct as seriously in the domain of knowledge exchange as it takes them elsewhere in the work of the University. Penalties for misconduct in these areas will involve contractual sanctions up to and including dismissal. Staff will be expected to abide by this code and those staff engaged, on behalf of the University, in knowledge exchange work should have their attention drawn to it by those commissioning or managing such work.

3. General guidelines on ethical partnering

The University does not seek to be prescriptive about the sorts of organisation with which it will deal, having regard to the need to preserve the discretion in conduct which individuals exercise by virtue of academic freedom. However, all other things being equal the RKEO may advise that staff should seek to work with organisations which are,

- Committed to ensuring that workplace equalities are an important element of their business operations and culture;

- Committed to standards of conduct with regard to research and the representation of research knowledge consistent with those expected by the Research Councils and public sector bodies;

- Committed to broadly sustainable business practices;

- Committed to ensuring safe, healthy working conditions (for staff of the University working with the external organisation consistent with the University's own standards, and for the staff of the organisation itself).

4. Staff are expected to recognise that the University's fundamental commitment to equality of opportunity extends to the domain of external work. Guidance is available from HRPS1, HRPS8, HRPS24, and APS7. Guidance on sustainability from APS5 Sustainability (http://www.intra.mdx.ac.uk/info/docs/aps5.pdf) will be helpful here.

In short, as far as possible staff should prefer to work with organisations committed to the same standards of conduct, management, opportunity and support for employees as those chosen by the University for its own staff.