

Legal and Ethical Issues of Research

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Course type: Mandatory PhD course, Faculty of Communication Sciences

Value in ECTS: 3

Introduction

In the wake of recent scandals in some European and American Universities, academic misconduct is now high on the agenda. The course will create awareness towards academic integrity by presenting the legal and ethical issues in research and publication.

Objective

The class will focus on different aspects of academic integrity such as plagiarism, co-authorship, conflict of interest and specific legal issues like freedom of research, access to information, copyright and data protection.

Teaching method

Law and ethics are intertwined. Thus, the preferred approach is co-teaching: a professor of ethics and a professor law address different issues together. The course combines lecturing, group work and case studies.

Overview

After a short introduction devoted to *freedom of research* in open democratic societies, the first workshop deals with a case of plagiarism and ethical misconduct. Starting from a real case, we will examine the consequences not only for the person who committed *plagiarism*, but also for the university in general and the consequences of plagiarism on the other researchers in that particular department. The discussed case prepares for the next topic dealing with the legal framework of *copyright*. We will then discuss *whistleblowing* in academia providing different settings and strategies how do deal with misconduct in an organization once discovered without adverse effects for the whistleblower and the organization in general. Next is *access to information* and open data in a Swiss and European legal perspective. Furthermore, we discuss how to protect *privacy* in conducting research (data protection, pseudonymisation etc.). The major work of the course consists in developing and drafting our own Code of Ethics, according to state-of-the-art benchmarks. Finally we discuss the latest trends for ethical approval for research and journal publication requirements (for further details see schedule).

Readings

Carlos Cabral-Cardoso: Ethical Misconduct in the Business School: A Case of Plagiarism That Turned Bitter. In: Journal of Business Ethics, Vol. 49, No. 1 (Jan., 2004), pp. 75-89

Claude Almansi, Marcello Baggi, Raphaël Contel, Bertil Cottier, Jacques de Werra, Copyright in Education Handbook, http://www.diceproject.ch/wp-content/uploads/2011/11/Handbook_web_en_2.pdf

Whiteman, N. (2012): Undoing Ethics. Rethinking Practice in Online Research. Berlin. Springer

Sana Loue (1999): Textbook of Research Ethics. Theory and Practice. NY: Kluwer.

Danis, Marion et al (2012): Research Ethics Consultation. Oxford University Press

Timetable

16 -17 of January 2019 (09:00-17:00), Room 351

14 - 15 March 2019 (9:00 – 17:00), Room 351

16. Jan. 2019 Room 351

0900-1200: Why legal and ethical issues of research?

Introduction I: Why we are here (PS)

Introduction II: freedom or research – a case study (BC)

Ethical Aspects: Academic Culture – and when it fails (PS)

Input: Carlos Cabral-Cardoso: Ethical Misconduct in the Business School: A Case of Plagiarism That Turned Bitter. In: Journal of Business Ethics, Vol. 49, No. 1 (Jan., 2004), pp. 75-89

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Discussing Existing Guidelines I: The Uppsala Code of Ethics for Scientists. In: Journal of Peace Research, Vol. 21, No. 4 (Nov., 1984), pp. 311-316.

Discussing Existing Guidelines II: University of Oxford: Academic integrity in research: Code of practice and procedure

Comment from a legal point of view and common discussion.

1330-1700: Copyright/Plagiarism/Self-Plagiarism

Fundamentals of Copyright (BC)

Input: Claude Almansi, Marcello Baggi, Raphaël Contel, Bertil Cottier, Jacques de Werra, Copyright in Education Handbook, http://www.diceproject.ch/wp-content/uploads/2011/11/Handbook_web_en_2.pdf

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Plagiarism (BC)

Self-Plagiarism (PS)

Case Study: Self-Plagiarism in Economics

Case Studies (BC, PS)

Comment from an ethical point of view and common discussion.

17. Jan 2019 Room 351

0900-1200: Ethical Problems of Whistleblowing in Academia (PS)

Reading and Discussion: Peter Wilmschurst on pressure from Big Pharma

Groupwork and Case Study

Whistleblower Hotlines: Best Practice

Case Discussion: The German Controversy of Academic Whistleblowing: Pros and Cons

1330-1500: Open Data & Access to Information Laws

Data and Access to Information laws (BC)

Lecture and Discussion

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1530 -1700: Sponsoring and conflict of interest

Case Studies on Sponsoring in Academia

Assignment: Please identify a conflict of interest-case from your research area/environment, send by email within one week to both BC and PS.

14. March 2019 Room 351

0900-1000: (non-personalized) Discussion of Assignments (PS)

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1030-1200: Personal Data Protection

Legal Bases (BC)

Input: Data Protection in Research (example of guidelines implementing the EU directive 95/46 on data protection and the UK data protection act 1998),
<http://www.canterbury.ac.uk/Research/Documents/DataProtection.pdf>
Case Studies (BC)

1330-1700: Hands on: Developing a code of conduct I

The Following Workshop is based on the 8-step program of the Academy of Management: “The Ethics of Research and Publishing.” Each mini-workshop will start with a 5 min video-input from the Academy of Management.

1. Authorship; 2. Citation and Plagiarism; 3. Slicing Data (also Guidelines of BEQ) ; 4. Publishing in Journals; 5. Conference Papers and Presentations; 6. Reporting Research

15. March 2019, Room 351

0900-1030: Hands on: Developing a code of conduct II
7. Reviewing Manuscripts; 8. Global Ethics in Publishing
Finalizing the Code of Conduct

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1100-1200: Ethical Approval of Research and Latest Trends in Journal Publishing

1330-1700: Legal and Ethical Cases: Bring your own.

Room for Discussing one cases from PhD Students

Room for General Final Discussion

Part I: Cases discussed in group

Part II: Cases discussed with the lecturers

Readings before the course

Carlos Cabral-Cardoso: Ethical Misconduct in the Business School: A Case of Plagiarism That Turned Bitter. In: Journal of Business Ethics, Vol. 49, No. 1 (Jan., 2004), pp. 75-89

Peter Wilmshurst Interview: Whistleblower on Medical Research Fraud: 'Positive Results Are Better for Your Career'. Interview in DER SPIEGEL by Rafaela von Bredow and Veronika Hackenbroch Sept. 10th 2015.