



UNIVERSITY OF IBADAN
IBADAN, NIGERIA



ETHICS **POLICY**

The title 'ETHICS POLICY' is centered over a graphic of a pair of scales of justice. The scales are dark blue with gold-colored pans and a central pillar. The word 'ETHICS' is on the left pan and 'POLICY' is on the right pan.

MAJOR POLICY ISSUES AND OPERATIONS

Some major policy and operational issues common to the five ethics committees, teaching & learning as well as professional conduct now being established at UI will be addressed at this point to avoid repetition by each research ethics committee. These are Conflict of Interest, Research Misconduct, Monitoring & Evaluation, Material Transfers and Intellectual Property Rights.

CONFLICT OF INTEREST (COI)

- Conflict of Interest can be defined as: "A conflict between the private interests and official responsibilities of a person in a position of trust." It could also be defined as the interference of one private interest with another. COI is found in situations in which financial and other characteristics may compromise or appear to compromise a researcher's judgment or integrity in conducting or reporting findings of a research.
- Conflict of interest arises from a variety of impact of decisions made irrespective of validity of decision, of competence of the decider and irrespective of the degree of seriousness of outcomes. It can originate from an individual, third party, groups, institutions and donor priorities versus local needs of community. In the process of conducting research, choice of design can be biased to suit predetermined ends and methodologies. During data processing and reporting, integrity of editing, coding should be done to avoid prejudices.
- Most conflicts of interest arise at the time of proposal review at the competitive and often international level. It can also occur at a formal level when reviewers sign a *declaration that there are no conflicts of interest (mostly financial) for the reviewer* (shares in multinational companies, benefits from outcomes of study).



- The review process focuses on the following areas of conflict which include links between reviewer and Principal Investigator, Institution and other entities. In data gathering, COI can arise at field level when interviewers recruit respondents in a way to suit their short or long term interests (e.g. to save time or effort). Coding / recording of data and selection of software for analysis to prevent the favouring of a particular point of view. Desire for promotion, poor income, inducement of a trip, preferential choice of publication, international clout or institutional gain may result in COI. Anticipation of COI, training, emphasis to distort COI, and effecting adequate supervision are keys to preventing COI.

RESEARCH MISCONDUCT

Research misconduct refers to practices that seriously deviate from those that are commonly accepted within scientific community for proposing, conducting, or reporting research. It also refers to shortcomings in professional conduct of researchers (European Science Foundation (2010). Examples include fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Another common form of misconduct is the practice whereby an investigator withholds or delays the publication of research results for financial reasons. This usually occurs when an investigator is pressurized by the donor agency to delay the publication of results which may be perceived to hurt the financial fortunes of a donor agency.

Other examples of misconduct related to publications include:

- complimentary authorship: a situation in which a person who has not made any contribution to a paper is cited as an author; submission of paper with sections lifted from other papers without acknowledgements,

- resubmission of previously published data with minor alterations and no acknowledgements,
- submission of papers by lecturer from students' dissertation without students' permission,
- Fabrication: making up data or results and recording or reporting them as true,
- Falsification: manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record [i.e. the record of data or results that embody the facts emerging from the research, and includes, but is not limited to, research proposals, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and books],
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Research misconduct does not include honest error or differences of opinion. Detection of any misconduct should be reported to the appropriate authority (as stated in Monitoring of Research). A response to an allegation of research misconduct will usually consist of several phases, including:

- an inquiry: the assessment of whether the allegation has substance and if an investigation is warranted;
- an investigation: the formal development of a factual record, and the examination of that record leading to dismissal of the case or to a recommendation for a

finding of research misconduct or other appropriate remedies;

- adjudication, during which recommendations are reviewed and appropriate corrective actions determined.

MATERIAL TRANSFER AGREEMENTS (MTAs)

Material Transfer Agreements

Material may be defined as original tangible substance as well as modifications or derivatives made from the material that uses the owner's ideas. Biological and other materials and their derivatives that could be transferred include but not limited to:

- Human materials
- Cell lines
- Tissues
- Reagents
- Vectors
- Plant materials
- Archaeological Artefacts

Other materials include:

- Chemical compounds
- Special software for e-learning

Ownership of materials indicates that:

- Human participants have the right over their genetic material.
- Access must be defined by consent, contract or law.
- Individual rights override community consent.
- Group identity, culture, reputation, tradition, beliefs must be protected.

- Compensation for indigenous/traditional knowledge in product development must be acknowledged.

Storage of Specimen must have:

- Identifiable information in genetic databanks.
- Regulation of use of stored specimen.
- Guidelines development to regulate previously stored specimens.

Material Transfer Agreement (MTA) describes the rights of the provider and the recipient with respect to materials and derivatives. Four types of MTAs are recognized as transfer:

- Across national boundaries.
- Academic institutions.
- Academia to industry.
- Industry to academia.

MTA Guidelines:

For MTAs, the following guidelines should be adhered to:

- Materials to be transferred must have adequate description and documentation on source, date and physical form.
- Agreements on the materials must go through the Legal Office for advice.
- Agreements must be signed by the Vice Chancellor and the Provost/Dean of the University on behalf of the institution.

Material Transfer Agreements (MTAs) duly signed by the host and collaborating institution should be submitted to the host Ethics Committee for record purposes. This should serve as a binding document for the condition of transfer of any specimen and for patent right of both institutions and investigators. The

finding of research misconduct or other appropriate remedies;

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Provider/investigator could be prevented in some circumstances from using research results in further research, transferring them to other institutions, meeting the objectives of sponsors, or ensuring that the results are disseminated to the public domain.

The UIEPC stipulates that MTAs should be guided by norms that govern ethics as detailed in Health Research Ethics Chapter and other guidelines in the University of Ibadan Ethics Policy Document.

INTELLECTUAL PROPERTY RIGHTS (IPRs)

The University's intellectual knowledge and technology are of extreme importance to its community. The University is encouraging research and development may have inventions that can be commercially tapped for the benefit of its inventors and the community. All research that may give rise to intellectual property must be in compliance with the University policy and International laws.

Intellectual property right (IPRs) is permission given to inventors/creators and owners of original works/endeavours that are the outcomes of intellectual creativity. The IPRs is to grant the inventor a time-dependent control over the use of their work in order not to deprive them of their reward. Rights require registration. It is the responsibility of the inventor to make the product accessible to the public. The intellectual rights could be artistic, literary or scientific. Examples of intellectual property rights include:

- Copyright
- Patents
- Trade marks
- Design rights
- Confidential information
- Archeological artifacts

COPYRIGHT

- Protected by copyright under the Nigerian Act.
- Recorded in some form – in writing, sound recording, on a computer disk, or in a printed form.
- The work meets originality requirement.

Copyright is of utmost importance to the University of Ibadan, as a tertiary institution because of the mandate for teaching/learning to end-users, producers and disseminators of information by print as well as other multimedia including the Internet. Materials on the internet allows for the public dissemination of this information. Examples of copyrightable online materials are:

- Journals
- Internet content
- online databases

GUIDELINES ON COPYRIGHT

Many of these materials are available under certain terms and conditions stipulated by its rights holder such as the restriction to the public/other person(s):

- Copying the work in part or in whole.
- Issuing copies of the work.
- Renting or lending the work.
- Performing, showing or playing the work.
- Communicating the work to the public – in print or other media.
- Making an adaptation of the work.

PATENTS

The term *patent* refers to a right granted to anyone who invents or discovers any new and useful process, machine, article of manufacture, or composition of matter, or any new and useful improvement thereof. Examples of particular species of patents for inventions include biological patents, business method patents, chemical patents and software patents.

The availability of patenting options, the conditions of patents, and the extent of the exclusive rights vary widely between countries according to national laws and/or international agreements. The exclusive right granted by a patent law in most countries is the right to prevent others from making, using, selling, or distributing the patented invention without permission. Patenting shall be encouraged and ownership shall be determined in accordance with the University of Ibadan patent provisions and the Nigerian patent laws.

Under the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights, patents should be available in WTO member states for any inventions in all fields of technology and the term of protection available should be the minimum twenty years. Different types of patents may have varying patent terms (inventions).

The inventors, their successors or their assignees, become the proprietors of the patent when and if it is granted. If a patent is granted to more than one proprietor, the laws of the country in question and an agreement between the proprietors may affect the extent to which each proprietor can exploit the patent. For example, in some countries, each proprietor may freely license or assign their rights in the patent to another person while the law in other countries prohibits such actions without the permission of the other proprietors.

The ability to assign ownership rights increases the liquidity of intellectual property. Inventors can obtain patents and then sell them to third parties. The third parties then own the patents and have the same right to prevent others from exploiting the claimed inventions as if they had originally made the inventions themselves.

MONITORING AND EVALUATION (M&E)

Protocols approved by the Ethics Committee (EC) will be monitored and evaluated by the sub-committee on Monitoring and Evaluation yet to be established by the University of Ibadan to ensure compliance with good clinical practice, standard operating procedures and applicable regulatory requirements. The University of Ibadan ethics policy requires all M&E to report any unethical conduct of researches to the EC and eventually to the UI ERRB for necessary sanctions. However, it should be emphasized that the aim of M&E is to help and not to hinder investigators.

The following are required for monitoring and evaluating research projects:

- Membership of the Monitoring Team (MT) should comprise some members of the EC and coopted members. Community representation are required to be part of the M&E.
- Empowerment of the MT to scrutinize any part of the project with fair openness.
- Adequate funding should be provided for the activities of the MT by the University through the different communities.
- The working activities of the various M&E should be directed according to the flexibility of their schedule.
- Timing of the M&E should be as directed by the committee and be periodic with or without notice to the investigators.
- Investigators should submit progress reports, at least annually, to the EC which will be available for the MT.
- It is expected that investigators should not hinder or place mechanism in place to hinder the ethical work of the M&E members.
- It is expected that all the research participants should be accessible for interview by the MT.

