

## DOCUMENT C

### Ethical Policy and Guidelines for the Acceptance and Refusal of Donations and Research and Enterprise Funding

#### *Operational guidelines for staff involved in securing or accepting research and enterprise funding*

Definitions are as listed in Document A

#### **1. Reporting, roles and responsibilities**

1.1 Ultimate responsibility for all decisions relating to the acceptance and refusal of donations and funding, even where decision-making has been delegated to staff or volunteers, **MUST** rest with the members of the University Council. The members (and their delegates) **MUST** take all decisions relating to the acceptance/refusal of donations and funding *'in the best interests of the University'* (See **Appendix 1**).

1.2 The overall research strategy and priorities for the University are set by the Research Strategy, Policy and Performance Committee which makes recommendations to Senate and Council and is chaired by the Pro-Vice-Chancellor (Research & Enterprise). Terms of reference and membership are attached (see **Appendix 2**).

1.3 The overall enterprise strategy and priorities for the University are set by the Enterprise Strategy, Policy and Performance Committee which make recommendations to Senate and Council and is chaired by the Pro-Vice-Chancellor (Research & Enterprise). Terms of reference and membership are attached (see **Appendix 3**).

1.4 Research funding shall be accepted on behalf of the University by the Division of Research and Enterprise in consultation with the Principal Investigator.

1.5 All parties within the University **MUST** be aware of the decision-making procedures approved by Senate and Council with respect to the acceptance and refusal of donations or funding. All **MUST** recognise the boundaries to their decision-making authority and the process for referral where this is exceeded.

#### **2. Principles of practice for staff involved in the acceptance of research and enterprise funding**

2.1 Staff within the Division of Research and Enterprise involved in the acceptance of research and enterprise funding **MUST**, in discharging their responsibilities, observe and promote the highest standards of personal and professional conduct and continually strive to increase their professional knowledge. They must also comply with the principles of this policy, the University's research code of conduct and research ethics code of practice and the University's financial regulations.

#### **3. Principles of practice for principal investigators, departmental and other staff involved in generating income from research and enterprise funding streams**

3.1 Staff who are or might be considering generating income from research and enterprise funding sources and other staff involved in such activities **MUST** contact the Division of Research and Enterprise in the first instance.

3.2 They **MUST** be aware of the decision-making procedures approved by Senate and Council with respect to the acceptance and refusal of funding. No principal investigator or other departmental staff, including Heads of Department, has authority to accept funding on behalf of the University and all such funding applications and contracts **MUST** be referred to the Division of Research and Enterprise for approval, negotiation and acceptance.

3.3 Discussions with potential funders, especially new funders, that are likely to give rise to significant public interest, or which raise complex questions with regard to acceptability, **MUST** be considered at the earliest stage possible by the appropriate decision makers, who **MUST** be fully informed of the purpose and the background to the proposed research and enterprise activity and the source of funds.

#### 4. Due diligence

4.1 The Division of Research and Enterprise will ensure that due diligence is carried out on sources of funding, as appropriate. They will make reasonable efforts to satisfy any questions raised before funding is accepted. The Division of Research and Enterprise are best placed to carry out this work and funding will not be accepted without referral to the relevant office. The Director of the Division of Research and Enterprise will have responsibility in conjunction with the Pro-Vice-Chancellor (Research & Enterprise) for deciding whether funding should be accepted, or whether further consideration is required by the President and Vice-Chancellor or Council.

4.2 The University will seek appropriate legal and financial advice for correctly dealing with funding as required and it will also advise funders to do the same where appropriate.

4.3 Where sources of funding are proposed from which the University has not previously received funding, or where there is some doubt about the appropriateness of a funder to fund a specific project, the Division of Research and Enterprise staff **MUST** refer the matter in the first instance to a member of the respective management team for consideration, and if there is continuing doubt, to the director of the Division of Research and Enterprise in line with paragraph 4.4.

4.4 Where there is any doubt over the acceptability of a funder, submissions **MUST** be made in the first instance to the director of the Division of Research and Enterprise, who will consult with the PVC (Research & Enterprise) and if necessary refer the matter to the President and Vice-Chancellor, and thereafter if necessary to Council which will exercise oversight of the operation of this policy.

4.5 The President and Vice-Chancellor shall have the authority to empower the Director of the Division of Research and Enterprise, as appropriate, to undertake additional due diligence work and will be able to propose, in exceptional circumstances, that the University Council be asked to render a final decision about the suitability of a source of funding.

4.6 The Research Policy Committee and Enterprise Policy Committee will receive regular reports on funding referred for consideration under this policy.

4.7 Any funding, regardless of value, which, in the opinion of the Office Director, is likely to give rise to significant public interest, or potential controversy, or which raises complex questions with regard to acceptability, **MUST** be considered at the earliest possible stage by the PVC (Research & Enterprise) and President and Vice-Chancellor.

4.8 The identity of all funders **MUST** be known to the University before entering into any funding negotiation. If the identity of the funder is not disclosed, funding **MUST** not be accepted. It is the funder's right to seek confidentiality in respect of any publicity regarding the funding but not from those negotiating the arrangement. However, a six monthly confidential report will be produced for the President and Vice-Chancellor, Chair of Council and University Treasurer detailing current funders who wish to remain anonymous for the purposes of promotion.

#### 4.9 Due diligence process

- (i) The Division of Research and Enterprise will not enter into negotiation for funding with organisations that have been proved to contravene the core principles outlined in **Document A**.
- (ii) The Division of Research and Enterprise will carry out due diligence on new funders, as deemed appropriate and proportionate to the level of funding and the nature of the funder, before accepting funding.
- (iii) Where issues are identified the process laid out above **MUST** be followed.
- (iv) The legal and reputational rights of potential funders **SHOULD** also be considered as part of any due diligence undertaken in assessing the acceptability of proposed funding. In this regard a clear distinction should be drawn between rumour or speculation and matters of confirmed fact or legal finding, whilst also accepting that institutions **MUST** consider the reputational risks that could be incurred through public perception of any particular funder.

#### 5. Review of previous decisions to accept funding

- 5.1 The University can at any time review and reconsider previous decisions taken in good faith relating to the acceptance of particular funding (e.g. if subsequent events or the subsequent availability of additional information require it).
- 5.2 In the event that existing funding is found to contravene any of the principles outlined in **Document A** the Division of Research and Enterprise **MUST** refer the matter immediately to the PVC (Research & Enterprise) and the President and Vice-Chancellor. The Division of Research and Enterprise will prepare a report for consideration by the PVC (Research & Enterprise) and President and Vice-Chancellor and the response in such circumstances should be transparent and proportionate.

#### 6. Funding agreements

- 6.1 Funders **MUST** confirm in writing their funding and any conditions pertaining to the funding.
- 6.2 The University will employ their standard procedures relating to recruitment, admissions, hiring, promotion, procurement, management and governance for all externally funded research and enterprise activities.

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#### Appendix 1

##### Role and responsibilities of members of Council

Ultimate responsibility for all decisions, even where decision-making has been delegated to staff or volunteers, **MUST** rest with the members of the University Council.

- The members (and their delegates) **MUST** take all decisions relating to the

acceptance/refusal of Donations *'in the best interests of the University'*.

- Members **MUST** act reasonably and prudently in all matters relating to the University and need always to bear in mind that their prime concern is its interests. They **MUST NOT** let any personal views or prejudices affect their conduct as members. They **MUST** exercise an appropriate degree of care in administering the University.
- The members **MUST** be able to demonstrate that they have acted *'in the best interests of the University'*, irrespective of any individual or collective personal interest or predilection, in each and every case. The members (or their delegates) have a duty to consider carefully, on the basis of the evidence available to them, whether the interest of the University will be better served by accepting or refusing the proposed funding and to act accordingly.
- In making these judgements, members and their authorised decision-makers **MUST NOT** allow individual or collective personal, political or commercial interests, nor personal views on political or ethical issues, which are not directly related to the interests of the University, affect their judgment.
- Consequently, where members decide to delegate their responsibility to staff, to volunteers or to local groups/branches, they **MUST** ensure that clear areas of responsibility are established within agreed management structures. Clear procedures for the delegation of decision-making **MUST** be established in writing and agreed formally by the members.
- All parties within the University **MUST** be aware of the decision-making procedures agreed by the members with respect to acceptance/refusal of funding. All **MUST** recognise the boundaries to their decision-making authority and the process for referral where this is exceeded.

- Members **MUST** be particularly careful when refusing funding based solely on the grounds of expediency, as judged by themselves.
- In such cases the members **MUST** be able to demonstrate clearly how *'the best interests of the University'* have been served in accepting or refusing the funding in question.
- Members **MUST** derive no personal benefit (individually or collectively) from donations, funding, loans or other material support offered to the University.

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## Appendix 2

### Research Strategy, Policy and Performance Committee

#### Terms of reference

Secretariat: the Division of Research and Enterprise

Reports to Senate

- (a) To consider and approve the institutional Research and Impact Strategies for incorporation within the University's Strategic Plan and Annual Budget;
- (b) To progress and monitor the implementation of the institutional Research and Impact Strategies;
- (c) To monitor the research performance of the Colleges, to undertake reviews of research activity in the Colleges and determine and agree appropriate actions to be taken by the Colleges in respect of future research activities;
- (d) To determine institutional policy in respect of preparations for external assessment and evaluation of University research activities;
- (e) To consider opportunities for increasing research income at institutional and College

level and offer advice on the University's bids for funding;

- (f) To consider institution wide issues, provide appropriate institutional responses and receive reports from and consider the work of Committee sub-groups in areas relating to research, such as research integrity and ethics, research infrastructure and the concordat for early career researchers;
- (g) To determine the appropriate allocation of such resources as are available from time to time;
- (h) To consider and record the potential equal opportunity impacts of decisions made by the Committee (in accordance with the 'due regard' provisions of the Equality Act 2010).

#### Membership

- Pro-Vice-Chancellor (Research and Enterprise) (Chair)  
*ex officio*
- Director of the Division of Research and Enterprise  
*ex officio*
- Graduate Dean  
*ex officio*

Eight members of the academic staff, two from each of the four Colleges, appointed by the Senate on the recommendation of the relevant Head of College, who are currently:

- Professor Alison Goodall
- Professor Stephen Hall
- Professor Gail Marshall
- Professor Jingzhe Pan
- Professor Andrew Fry
- Professor Mark Purnell
- Professor Cosmo Graham
- Professor Stephen Wood

Other members of the academic staff, whom the Committee may wish to co-opt:

- Postgraduate research student representatives
  - Robert Turnbull
  - Thomas Clements

In attendance: Director of the Library Services;  
Director of the Enterprise and Business Development Office; Head of Research Finance

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#### Appendix 3

#### Enterprise Policy Committee

#### Terms of Reference

Secretariat: the Division of Research and Enterprise

Reports to Senate

- (a) To consider and approve the Institutional Enterprise Strategy for incorporation within the University's Strategic Plan and Annual Budget;
- (b) To monitor the implementation of the Institutional Enterprise Strategy;
- (c) To monitor the enterprise performance of the Colleges, to coordinate and integrate enterprise activity in the Colleges and determine and agree appropriate actions to be taken by the Colleges in respect of future enterprise activities;
- (d) To determine institutional policy in respect of preparations for external assessment and evaluation of University enterprise activities;
- (e) To consider opportunities for proactively increasing enterprise income at institutional and College level and offer advice on the University's bids for funding in line with the Enterprise Strategy;
- (f) To consider institution wide issues and appropriate institutional responses relating to externally funded and unfunded enterprise programmes and initiatives;

- (g) To determine the appropriate allocation of such resources as are available from time to time;
- (h) To promote and monitor the commercialisation of research and knowledge transfer, including business partnerships, technology licences, spin-out companies and consultancies;
- (i) To refer any relevant matters to the Research Policy Committee, the Academic Policy Committee or the Career Development Advisory Board.
- (j) To consider and record the potential equal opportunity impacts of decisions made by the Committee (in accordance with the 'due regard' provisions of the Equality Act 2010).

#### Membership

- Pro-Vice-Chancellor (Research and Enterprise) (Chair)  
ex officio
- Deputy Pro-Vice-Chancellor (Enterprise)  
ex officio
- Director of Enterprise and Business Development  
ex officio
- Director of Finance  
ex officio
- Director of the Research Support Office  
ex officio
- Graduate Dean  
ex officio

Eight members of the academic staff, two from each of the four Colleges, appointed by the Senate on the recommendation of the relevant Head of College:

- A representative of the Leicester Innovation Advisory Board (LIAB)
- A postgraduate research student representative

- Other members of staff, whom the Committee may wish to co-opt
- The chair of the Business Advisory Group (who should be a lay member of the Council) – *TBA*
- A postgraduate research student representative nominated by the Students' Union – *TBA*

Currently:

- Professor Kevin Schürer (Chair)
- Professor Andy Abbott
- Dr Caroline Quest
- Mr Martyn Riddleston
- Mrs Jan Davies
- Professor Sarah Hainsworth
- Professor Peter Jackson
- Professor Barrie Gunter
- Mark Carr
- Professor Alison Goodall
- Dr Suzanne Macleod
- Professor Gail Marshall
- Karl Ryder
- John Lees
- Mr Gary Dixon
- Kerry Hyde
- Natalie Cozier (Secretary)

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