



Summary June 30th 2021 @Zoom

University Forum

*Ethical framework for (research)
collaborations with external parties*

Ethical framework for collaborations with external parties

On June 30, the University Forum returned to a theme that had already been discussed on December 1st, 2020. In the meantime, the UvA has made further progress in developing policy for an ethical framework that should guide what should or should not be accepted by the university with regard to research collaborations with external parties. This means that there are also new questions and that we can revisit older questions with a new perspective.

After a short introduction by responsible policy officer Niek Brunsveld (Academic Affairs), the Forum set to work on the following four propositions and sub-questions.

1

Statement: There should be no research collaboration in any way with certain controversial partners. If so, how do we determine which potential partners belong on such a 'blacklist'?

2

Statement: Sensitivity to the ethical dimension of research must be developed and cultivated and cannot simply be demanded without active attention and training.

3

Should we demand that UvA research does not directly or indirectly lead to disproportionate damage to humans, animals and the environment? Or is it enough to demand that researchers make an effort to prevent that?

4

Does the UvA need a university-wide review committee or rather at the level of the faculty? What do we find important in terms of composition?

Explanation/context of the subquestions

Statement: There should be no research collaboration in any way with certain controversial partners. If so, how do we determine which potential partners belong on such a ‘blacklist’?

1

On page 4, the policy document discusses the type of partner as a possible basis for additional measures, see also these quotes:

“If the research is (co-)financed by a controversial party or the research consortium has a controversial social or private research partner or controversial end user, there may also be reasons to take precautions or to refrain from the research. This concerns, for example, companies that produce addictive substances or cause great damage to the environment, governments that violate human rights, or organizations that are under the authority of an authoritarian regime.” (p. 4)

“In order to prevent arbitrariness in what are considered sensitive partners, clear criteria must be used as much as possible, but a (normative) assessment will probably always be necessary. Ultimately, the university-wide or faculty ethical review committee can best make that assessment.” (p. 4)

Is it wise to draw up this list ourselves or is it better to base ourselves on existing lists of, for example, human rights organizations? Do we even want such a list or do we have to look at it on a case-by-case basis?

Statement: Sensitivity to the ethical dimension of research must be developed and cultivated and cannot simply be demanded without active attention and training.

2

Most of the responsibility is placed with the researcher in the policy document, which is something we also advised on the 1st of December. However, can we expect that all researchers are sufficiently sensitive to the possible ethical dilemmas behind certain collaborations? How do we deal with possible ‘unconscious incompetence’ in this area? Quote:

“Individual scientists have a responsibility to consider issues of potential misuse, dual use, export control and other ethical issues in their research. At the UvA, we rely to a great extent

on our scientists being adequately informed about legal and ethical issues surrounding their research and that they make a good assessment of whether they can request/perform that research and/or that they should take certain precautions. Therefore, we expect them to seek support when they are unsure of their case.” (p. 8)

3

Should we demand that UvA research does not directly or indirectly lead to disproportionate damage to humans, animals and the environment? Or is it enough to demand that researchers make an effort to prevent that?

“(II) In addition to the responsibility for independent scientific practice, science also bears the (moral) responsibility, as much as can reasonably be demanded, to prevent research results from being misused by (malicious) parties, in order to harm people, animals and the environment, today and in the future, to protect it.” (p. 5)

“(II) Research at the UvA may not directly or indirectly lead to disproportionate damage to humans, animals or the environment.” (p. 6)

The first principle formulates a best efforts obligation, the second a result obligation. What should the UvA commit to?

4

Does the UvA need a university-wide review committee or rather at the level of the faculty? What do we find important in terms of composition?

We also discussed this question in a slightly different manner on the 1st of December, 2020. Then we stated this:

“The responsibility for considering whether moral objections to a particular research or research collaboration should lie primarily with the scientist(s) directly involved and their supervisors. However, they should not be alone in this. As soon as it appears that there is any disagreement or doubt as to whether or not something is morally justifiable, there should be the option of having an ethical review carried out by a committee set up specifically for that purpose. The starting point is support, not control.”

We also felt that the committee should have a diverse composition, should have sufficient distance from the field and should be democratically accountable. At the same time, we wanted the committee to be deployable quickly and not to be a bureaucratic bottleneck. Have we been too demanding? Can we make our proposal a bit more concrete and feasible?

Summary

Statement: There should be no research collaboration in any way with certain controversial partners. If so, how do we determine which potential partners belong on such a 'blacklist'?

1

At the UvA, we prefer not to conduct research with a direct negative impact on people or the environment. Strict limits already exist for part of the number of possible collaborations, for example from the security services or national and European legislation. This mainly relates to the prevention of the risk that scientific research is used by other powers for harmful (often military) objectives. Sometimes, however, we as the UvA also want to go further and be able to say 'no' to research that in itself seems fairly harmless, because, for example, no clear military application is conceivable, but in which we work together with a party with a problematic track record. Without being directly involved in abuses, the UvA can unintentionally legitimize the problematic actions of the external party through a collaboration. Fundamental or humanities research can also potentially be problematic along this line, without the research in question itself being misapplied.

The difficulty lies mainly in determining which partners are so problematic that we have to pay extra attention or even say no. On what basis do we make the distinction? Drawing up a list of parties that we do not want to work with under any circumstances could help, whereby we partly remove this complicated consideration from the individual researcher and leave it to a committee of experts that has to write and maintain such a list. When drawing up, let us especially learn from other parties who face the same dilemmas, such as banks and pension funds that are becoming increasingly critical about what they do or do not want to invest in. Such a list will have to contain all absolute 'no go' cases and not parties that may still be subject to much discussion or where the precise context and form of the investigation could still make a lot of difference. The committee to be set up is responsible for such cases in the 'grey area' (see also sub-question four).

We must avoid that the existence of a 'blacklist' gives researchers the impression that all other partnerships are automatically OK. Certain collaborations require a certain context in order not to be problematic, something the committee could advise on. An example of this is a collaboration with a political party. Why one party and not the other? The UvA should not rule out research collaboration with political parties in advance, but should, for example, ensure that there is room for researchers to analyse and criticize the research in question. From academic freedom we can maintain that almost everything should be possible to research, but that will only work if there are always enough resources available for researchers to respond to potentially problematic work. Unfortunately, that is not always the case.

In short; yes, there are parties with whom we would under no circumstances want to work with and it is wise to make a list of them, based on already existing lists and legal frameworks, but that is not the end of the story. The grey area is probably much larger, where a case-by-case approach by a special committee would work much better. A careful process prevents us from being caught off guard later when something suddenly comes up in the media. Once we have made a choice for collaboration, we must be able to explain it well to the world outside the university.

Statement: Sensitivity to the ethical dimension of research must be developed and cultivated and cannot simply be demanded without active attention and training.

Which parties are seen as controversial and what is expected of the university changes over time and is very difficult to establish objectively. It is therefore best to strive for some form of sensitivity to how the academic community and society outside it thinks about what is or is not acceptable in terms of collaborations with external parties. Not everyone has that sensitivity, so that is something that needs training. Two possible routes for this are the introductions of new employees to the UvA and the leadership training courses that are currently being offered. Researchers are introduced to the theme when they start with us and then, in the ideal scenario, are also kept on their toes by their supervisors. The purpose of the training is therefore not to tell you what is or is not allowed, but to cultivate the right sensitivity so that the researcher can ask the right questions herself and, if in doubt, visit the special committee. It is important that this is maintained at the level of the graduate school. For an individual researcher there is sometimes too much at stake to take the step to the yet to be established ethics advisory committee, so it is necessary that colleagues with a little more distance can also request that the potential collaboration be reconsidered. The balance in this is difficult, because the researcher herself is ultimately best informed, but because of personal interests, she is not always completely free to reflect critically on it.

Standards have to grow and that takes time. It is very complicated to determine in advance what exactly we think is okay or not. Over time, these standards will increasingly crystallize, but we can try to strengthen that process. One way to do that is by learning as much as possible from the committee's case-by-case treatments. Keeping confidentiality in mind, reading and discussing the committee's advice helps to cultivate standards within our academic community. At the moment the focus is on research, but we will also have to think about this for education. After all, within education there is also a lot of collaboration with external parties and perhaps more and more because of the progress of digitalization.

Should we demand that UvA research does not directly or indirectly lead to disproportionate damage to humans, animals and the environment? Or is it enough to demand that researchers make an effort to prevent that?

The hardest part is setting a boundary: when is something disproportionately harmful? Certain cases are clear and can be ruled out in advance, such as research that contributes to human rights violations. Whether a party has been convicted for such violations can be used as a criterion. More discussion is possible when it comes to, for example, the impact on the climate. Suppose a major polluter visits the UvA to conduct research that focuses on sustainability? Should the UvA exclude fossil fuel parties such as Shell from collaboration, even if the collaboration is aimed at sustainability? Are we as the UvA used for greenwashing or can we make a positive contribution in this way to making large companies more sustainable?

The break-out group did not agree, which in itself is also an interesting outcome. Such cases cannot be dealt with on absolute principles, but must be handled case-by-case by a specialist committee. We cannot expect that committee to reach a unanimous decision in all cases; Ultimately, people differ from each other in their moral beliefs. However, unanimity is also not something we should strive for. If we as the UvA only want to say 'no' to collaborations that everyone is really against, then we don't have to change anything, because that also applies to the researchers in question. The policy on which the University Forum is deliberating is precisely about designing instruments with which the vast majority can stop a possible minority from collaborating with certain parties. Such instruments are currently lacking.

We have formulated positive goals for ourselves through the institutional plan, among other things, but we have not yet formulated 'negative' goals: that what we do not want to do. Group 3 echoes Group 2's point that such standards take time to develop, similar to how academic integrity standards have grown to the point that they are now clearly part of the academy. We can nurture this process by collaborating with other universities and other (semi) public bodies that are grappling with the same questions.

Does the UvA need a university-wide review committee or rather at the level of the faculty? What do we find important in terms of composition?

The break-out group dealt with two different questions: should the committee be organized centrally or decentrally and should the committee's recommendations be made public or not? One reason for investing the committee in a decentralized way is that there may be more knowledge there of the relevant field, which could make the assessments easier. However, there are four other, more important, reasons for organizing the committee centrally.

First of all, distance from the research concerned is important in order to be able to make a fair and selfless assessment. Secondly, at a central level it is easier to bring together as much expertise as possible in the committee, especially because more hours would be involved and people can therefore be really committed to the committee work. At the faculty level, there is a risk that the committee will become 'too light'. The third reason is that the committee must have sufficient authority, also vis-à-vis the deans. This is easier to organize centrally, also because it is easier to escalate to the Executive Board. Preference is therefore given to a central committee. The next question is whether the committee's deliberations and recommendations should be made public. The most important reasons for disclosure are the learning effect (see also the second sub-question) and the possibility of accountability.

Ultimately, the standards will largely have to come from the academic community, so a certain sensitivity on the part of the committee is important. Conversely, the academic community must be able to learn from the committee and enter into a debate about it, but this is only possible if at least part of the committee's activity is public.

Unfortunately, there are also compelling reasons to keep the committee confidential. It can be very disadvantageous for external parties if sensitive information becomes public and it is also not pleasant for the researcher if a negative advice is generally known. Such disadvantages create barriers for researchers to seek out the committee. Fortunately, confidentiality is not an all-or-nothing matter; intermediate forms are conceivable. One option is, for example, to keep negative advice confidential and to make positive advice public. In order to ensure that the negative advice does contribute to the learning effect, it is a good idea to make an

anonymous annual report in which the main reasons for saying 'no' are explained. Even if the committee is largely confidential, the question remains what stimulates researchers to visit the committee in the first place.

Receiving support and solid advice on how to proceed are both clear advantages of going to the committee, but the problem remains that if the committee is merely optional, the researcher already has a 'yes', but can then possibly get a 'no'. The interests are sometimes too great for the individual researcher to, as the UvA, rely on the researcher to visit the committee. In addition, research directors often have just too much distance to be able to identify problems in time. This issue with the optional nature of the committee deserves extra attention (see also sub-question 2).



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