

# Ethics Policy on Cultural Heritage

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From: University Research Ethics Committee

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## 1. INTRODUCTION

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This Ethics Policy on Cultural Heritage (‘the Policy’) supplements the University of Southampton (‘the University’) [Research Ethics Policy](#) and aims to provide guidance to staff and students on ethical considerations raised in academic research with anticipated impact on cultural heritage (as defined in Section 2 below). Where research involves human participants it must also adhere to the [University’s Human Participation Research Policy](#).

All staff and students conducting research under the auspices of the University of Southampton are required to maintain the highest standards of ethical conduct and research integrity. Researchers engaged in research involving impact on cultural heritage are responsible for familiarising themselves with this Policy and adhering to its provisions, as well as all related University regulations, policies and procedures. Any special standards of work performance, ethical codes of conduct and guidelines imposed by law, or issued by external professional, regulatory or funding bodies, are deemed to be included in this Policy.

## 2. CULTURAL HERITAGE

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The Policy follows UNESCO's definition of 'cultural heritage' as 'the legacy of physical artefacts and intangible attributes of a group or society that are inherited from past generations, maintained in the present and bestowed for the benefit of future generations'. This Policy focuses primarily on tangible cultural heritage, but equally high standards of ethical behaviour are expected for research on intangible cultural heritage. Tangible cultural heritage includes:

- Movable cultural heritage, including artefacts and other archaeological materials of cultural value, works of art, and artefacts of historic importance such as rare books and manuscripts.
- Immovable cultural heritage, including archaeological sites, heritage structures, and cultural landscapes both urban and rural.
- Human remains more than 100 years old.

This Policy applies to both land-based and underwater cultural heritage.

## 3. POLICY SCOPE

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This Policy applies to all staff and students of the University of Southampton engaged in research where activities may involve impact on cultural heritage (as defined in Section 2 above). The Policy also applies to anyone working in the University, including casual workers, visiting or emeritus researchers, associates, honorary contract holders, consultants, agents, volunteers or contractors undertaking research under the auspices of the University, using the University's facilities, on the University's premises anywhere in the world, or elsewhere on behalf of the University (all referred to hereafter as 'researchers').

Tangible cultural heritage is part of society's common heritage and is crucial to the study of the human past. Its protection, conservation and preservation is fundamental for the benefit of present and future generations. All researchers must recognise that they are responsible for their research practice, and that they have an ethical obligation to weigh societal benefits against risks inherent in their work. Professional responsibility for good stewardship of research on behalf of others and the principle of benefit-sharing across all stakeholders are an important part of responsible research practice and research integrity. All staff and students must be aware of, and conform to the University's [Code of Conduct for Research](#) which provides guiding principles and a framework for the responsible and ethical conduct of research.

## 4. UNIVERSITY ETHICS REVIEW

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The University of Southampton is committed to providing a competent, rigorous and independent process of ethics review that is proportionate to the potential risks involved. The purpose of ethics review is to provide an objective assessment of how a project meets the high ethical standards set out in the [University's Research Ethics Policy](#). Reviewers will consider whether the appropriate balance of doing positive good and avoidance of causing harm can be achieved. In the application for ethics review, researchers should provide an explanation of how this balance will be reached, demonstrate what actions will be taken to mitigate any harm, or provide justification in cases where harm cannot be avoided.

All researchers engaged in research involving cultural heritage (as defined in Section 2 above) must check whether their study requires ethics review from their Faculty Research Ethics Committee (FREC). This can be done through the completion of the submission questionnaire on the University's online platform ERGO II (Ethics and Research Governance Online) accessible at <https://ergo2.soton.ac.uk/>, or a Faculty Ethics Checklist (where required by a relevant Faculty). Where answers to the questions indicate that ethics review by the FREC is required, research and data collection must not commence until ethics

approval is granted by the FREC and communicated to researchers via ERGO II. Retrospective ethics review is not permitted.

Where research has been scrutinised and approved by external regulatory bodies, including governmental departments, third-sector heritage institutions and curatorial organisations (e.g. county archaeologists' office, Historic England/Scotland, National Trust, Department for Digital, Culture, Media and Sport (DCMS), UNESCO, or overseas equivalent for work abroad), evidence of such approvals will need to be uploaded to ERGO II. Such studies must be registered on ERGO II but will normally not require an ethics review at the University level.

In case of doubt the researcher and/or supervisor should consult their FREC or the Research Integrity and Governance (RIG) Team on [rgoinfo@soton.ac.uk](mailto:rgoinfo@soton.ac.uk). If while carrying out research, staff and students encounter any ethical dilemmas or considerations, advice and guidance should be sought from their FREC, senior colleagues or the RIG Team, to ensure that research is continually conducted to the highest standards of research integrity and ethics.

## **5. GENERAL PRINCIPLES OF RESEARCH INVOLVING IMPACT ON CULTURAL HERITAGE**

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In many areas the University's research activities are greatly dependent on a wide range of resources that make up the cultural heritage of varied communities. As some of these resources are finite, irreplaceable and non-renewable, they should be safeguarded and treated with great respect. Ethical and sustainable research does not simply degrade cultural heritage resources, as does, for example, agriculture or development. Rather, it has the potential to enhance them by means including: increasing the total of known sites or knowledge of existing sites, refining methods of best practice, and creating new directions of enquiry. Researchers' actions should reflect these aspirations, as well as being governed by knowledge and regard for the cultural heritage resources including their physical, historic, cultural, social, scientific, technical, religious or aesthetic context. Special care should be taken to ensure that research does not cause any unnecessary loss or damage to artefacts, or the unnecessary or harmful loss of any information relevant to the understanding of cultural heritage. Research must not involve activities that indirectly promote or condone such loss or damage, except where there is a justification on the grounds of enhancing the cultural heritage and/or our understanding of it.

It is accepted that some research activities, such as archaeological excavation or scientific examination of an object, will result in some loss or physical alteration of artefacts and archaeological deposits. All such loss or alteration must be proportionate to the aims of the project and fully justified in terms of the potential gain in knowledge and/or understanding. It is recognised that certain invasive investigations may be societally beneficial in terms of generating enhanced awareness of the cultural significance of heritage assets, as long as such work is appropriately and responsibly conducted and reported. It is also accepted that in some cases, such as archival work, selective preservation of material may be in the best interests of cultural heritage, and that occasionally the non-retention of information may be preferable for overriding ethical reasons such as confidentiality or avoidance of harm.

### **5.1 The provenance of artefacts**

The Policy recognises the potential for tension between legitimate private ownership of heritage assets and public interest in the promotion of, and access to artefacts, sites and contextual information about them. It is also accepted that many cultural objects that are valuable for the purpose of research, also have an alternative value, especially in commercial art markets. This may encourage illegal acquisition and distribution of such objects at local, national and international level, with consequent destruction or damage of historic and archaeological sites, loss to museum, archive and library collections, as well as resulting loss of knowledge and contextual information. In order to prevent illicit trade of looted, stolen or illegally excavated, exported or removed artefacts, engagement with cultural items for the purposes of research, whether or not retained within the University, must take place in accordance with the guidelines published by the Department for Culture, Media and Sport: [Combating Illicit Trade: Due](#)

[diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material](#) (October 2005), or via an institution (e.g. museum, library, archive or heritage body) that is subject to these guidelines. In line with the provisions of the [UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#), institutions must not undertake primary research on items unless they are certain that they have not been illegally exported or excavated from their countries of origin since 1970. In all cases, if there is any suspicion whatsoever about the ethical status of an item, it should be excluded from primary research. Any suspicion of criminal activity must be reported to the appropriate senior member of University staff and to the Police.

Where archeological sites, objects or materials are related to cultural heritage of indigenous communities, researchers must be familiar with the principles contained in the [World Archaeological Congress's First Code of Ethics](#) (1990). Such resources must not be interfered with or removed without explicit consent of the indigenous groups concerned.

Where materials, artefacts, or information obtained during the research will need to be transferred to the UK from abroad, researchers must ensure that such transfer is permitted and where necessary that relevant authorisations/licenses have been obtained from the appropriate authorities in the country of origin.

## **5.2 Archaeological prospection and excavation**

Where research involves archaeological excavation, it must be conducted in accordance with the codes of conduct, regulations, standards and guidelines developed by the [Chartered Institute for Archaeologists](#) (CIfA), except where there is clear justification for deviation from these, for example on the basis of local conditions. All archaeological remains or other artefacts which have been removed from their original location must be carefully and appropriately transported and stored to ensure their long-term survival where required.

In the specific case of research involving objects of historic or archaeological interest found, or alleged to have been found, in England, Wales and Northern Ireland after 24 September 1997, care must be taken to establish that they were found in the course of activities carried out in accordance with the principles of the [Treasure Act 1996 Code of Practice](#) (England and Wales) (Revised, 2002) and the [Code of Conduct of the National Council for Metal Detecting](#) (NCMD). Any finds/artefacts believed to be 'treasures' (as defined by the Treasure Act 1996 and the Treasure (Designation) Order 2002) must be reported to the local coroner, and recorded with the [Portable Antiquities Scheme](#) if appropriate. Similarly, the study of cultural heritage objects in administrative areas outside England, Wales and Northern Ireland, including Scotland, must comply with relevant local legislation.

## **5.3 Underwater cultural heritage**

Under the Merchant Shipping Act 1995, any wreck material, regardless of size or significance, recovered within UK territorial waters (up to the 12 nautical mile limit), or outside the UK and brought within UK territorial waters, must by law be reported to the [Receiver of Wreck](#). Material from non-tidal waters is treated as if it was found on land and therefore is not covered by the Merchant Shipping Act 1995.

In the specific case of underwater cultural heritage, the University endorses the principles of the [UNESCO Convention on the Protection of the Underwater Cultural Heritage \(2001\)](#), and especially the Rules set out in the Annex to the Convention. It is expected that individuals and organisations involved in direct or indirect research collaboration with the University of Southampton should also subscribe to these principles and rules.

## 5.4 Research involving human remains more than 100 years old

Human remains older than 100 years are not subject to the requirements of the Human Tissue Act 2004 and therefore do not require a licence from the Human Tissue Authority (HTA), or prior consent of the individual from whom the tissue was taken. Relevant licences/permissions may, however, be required for the excavation of human remains. All research involving the study of human remains more than 100 years old must be conducted in accordance with the principles set out in the *Code of Ethics* and the *Code of Practice* of the [British Association for Biological Anthropology and Osteoarchaeology](#) (BABAO) and the World Archaeological Congress's [Vermillion Accord on Human Remains 1989](#). Further advice and guidance on human remains from Historic England and the Advisory Panel on the Archaeology of Burials in England (APABE) is available [here](#).

Human remains of any age or provenance should be treated with dignity, care and respect at all stages of research including excavation, data collection and analysis, storage and data archiving. In sensitive cases, where biological material can be demonstrated to be connected to genealogical descendants or affiliated cultural communities, these groups, if feasible, should be informed about the results of research prior to publication.

Where human remains are retained for study within the University, they must be stored in accordance with the principles set out in the [Code of Practice of the British Association for Biological Anthropology and Osteoarchaeology](#) (BABAO) and the Department for Culture, Media and Sport's [Guidance for the Care of Human Remains in Museums](#) (2005). It should be ensured that human remains are kept in dedicated secure locations and are curated in adequate environmental standards to ensure their long-term survival.

Information and guidance on research involving human biological material (less than 100 years old) can be found on the University's [Researcher Portal](#).

## 6. BREACH OF THE POLICY

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This Policy operates in conjunction with all other relevant University policies and regulations, as well as applicable legislation and any codes of practice, terms and conditions, or guidelines issued by external funding or professional bodies. Failure to comply with the provisions of this Policy will be grounds for action to be taken under the University's [Procedure for Investigating Cases of Alleged Misconduct in Research](#) (applicable to staff), or [Regulations Governing Academic Integrity](#) (applicable to all students).

## 7. POLICY REVIEW

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This Policy will be reviewed every three years or sooner when new legislation, guidelines or codes of conduct become available. Information and advice will be provided to staff and students when any changes are made.

## 8. RELATED POLICIES AND FURTHER INFORMATION

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**Policy and procedures from the University of Southampton:**

- [Code of Conduct for Research](#)
- [Procedures for Investigating Cases of Alleged Misconduct in Research](#)
- [Regulations Governing Academic Integrity](#)
- [University Human Participation Research Policy](#)
- [University Research Ethics Policy](#)

## Policy and procedures from other organisations:

- [British Association for Biological Anthropology and Osteoarchaeology \(BABAO\)](#)
- [Chartered Institute for Archaeologists \(CIfA\)](#)
- [Department for Culture, Media and Sport: Combating Illicit Trade: Due diligence guidelines for museums, libraries and archives on collecting and borrowing cultural material](#)
- [Department for Culture, Media and Sport's Guidance for the Care of Human Remains in Museums](#)
- [Montreal Statement on Research Integrity in Cross-Boundary Research Collaborations](#)
- [National Council for Metal Detecting \(NCMD\) - Code of Conduct](#)
- [Treasure Act 1996 Code of Practice](#)
- [UNESCO Convention on the Protection of the Underwater Cultural Heritage](#)
- [United Nations Declaration on the Rights of Indigenous Peoples](#)
- [Vermillion Accord on Human Remains 1989](#)
- [Wellcome Trust – Research involving people in low-and-middle-income countries](#)
- [World Archaeological Congress First Code of Ethics](#)

## 9. ACKNOWLEDGEMENTS

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UNESCO, 2017. *Tangible Cultural Heritage*. Retrieved August 15, 2017 from <http://www.unesco.org/new/en/cairo/culture/tangible-cultural-heritage/>

UNESCO, 1970. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. Retrieved August 22, 2017 from [http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html)

## 10. VERSION CONTROL

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