

Handbook on Ethical Conduct in Research 2001

Table of Contents

1	Introduction	3
2	Definition of 'Research'	3
3	General Obligations of Staff with Respect to Teaching, Research and Related Activities	3
4	General Obligations of Students with Respect to Ethical Conduct in Research	4
5	Professional Activities Commissioned or Sponsored by External Clients	4
6	Official Information and Personal Information	6
7	Archiving of Data	6
8	Human Research Ethics	6
9	Research Using Live Animals	15
9	Research or Teaching Involving the Development of Low Risk Genetically Modified Organisms	20
10	Ethics in Postgraduate Research and Supervision	21
11	Faculty/School-Based Committees and Processes Concerned with Ethics in Research	22

1 Introduction

The concept of academic freedom, established and preserved under section 161 of the Education Act 1989, is defined in relation to a university as follows:

- (a) the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions;
- (b) the freedom of academic staff and students to engage in research;
- (c) the freedom of the institution and its staff to regulate the subject matter of courses taught at the institution;
- (d) the freedom of the institution and its staff to teach and assess students in the manner they consider best promotes learning;
- (e) the freedom of the institution through its chief executive to appoint its own staff.

Under the same section of the Act, it is stated that "In exercising their academic freedom and autonomy, institutions shall act in a manner that is consistent with

- (a) the need for the maintenance by institutions of the highest ethical standards and the need to permit public scrutiny to ensure the maintenance of those standards; and
- (b) the need for accountability by institutions and the proper use by institutions of resources allocated to them."

The University acknowledges and affirms the legitimacy of activities by staff that are consistent with the concept of academic freedom and the statutory role of a university as critic and conscience of society.

In accordance with the statutory framework within which staff engage in these activities, however, the University acknowledges its accountability and its duty, in the performance of its functions and the exercise of its powers

- (a) to ensure that the institution does not discriminate unfairly against any person;
- (b) to ensure that proper standards of integrity, conduct, and concern for
 - (i) the public interest, and
 - (ii) the well-being of students attending the University are maintained.

University policies and requirements relevant to the ethical conduct of research are contained in a wide range of documents, including the following:

- the Staff Code of Conduct

- the Code of Ethics for Academic Staff
- the Code of Ethical Conduct for the Use of Animals for Teaching and Research
- the Human Research Ethics Regulations 2000
- the Student Research Regulations 2000
- the Discipline Regulations 2000
- the *Handbook on Research and Outside Professional Activities*.

This *Handbook on Ethical Conduct in Research*, which is intended for staff and students, contains all relevant information of the University concerning ethical conduct in research. It includes useful contacts and sources of further relevant information. The details are correct as at October 2000.

It is produced by the Vice-Chancellor's Office and can be viewed on the University's web site at <http://www.waikato.ac.nz/uow/research.shtml#internal>.

2 Definition of 'Research'

Research has many forms and applications and can therefore be defined in many ways. In formal contexts (in regulations, for example), research is normally defined at this university as:

An inquiry of an investigative, experimental or critical nature which is driven by a question, hypothesis or intellectual position capable of rigorous assessment, and the findings of which are open to scrutiny and formal evaluation; it includes any intellectual or creative work published, exhibited, presented or performed in a written, spoken, electronic, broadcasting, visual, performance or other medium.

3 General Obligations of Staff with Respect to Teaching, Research and Related Activities

In their teaching, research and related activities, staff share the following obligations:

- (a) to represent themselves as experts only in their fields of competence as defined by formal qualifications and credentials and demonstrable relevant experience;
- (b) to fairly and fully represent results of research, without falsification or bias;
- (c) to refrain from engaging in work, or accepting any gift or favour, that could compromise, or appear to compromise, their integrity or academic independence;

- (d) to be scrupulous in acknowledging the intellectual, material and practical contributions that others have made towards their research;
- (e) to be scrupulous in acknowledging sponsorship or other support provided by a sponsoring body, in the form required by, or appropriate for, that sponsoring body;
- (f) except where commercial or privacy considerations apply, to publish promptly the results of their research in the public domain through publications, conference presentations and in other appropriate ways;
- (g) to disclose any limitations on their work due to insufficient resources or other factors;
- (h) to declare any data or findings that have been previously published.

4 General Obligations of Students with Respect to Ethical Conduct in Research

The ethical conduct of students involved in research is covered by section 5 of the University's Student Research Regulations, which sets out the relevant obligations as follows:

- 5 A student engaged in research
 - (a) must fairly and fully represent results as he or she honestly perceives them, without falsifying data, fabricating data, claiming results where none have been obtained, or fraudulently changing records;
 - (b) must not commit or condone plagiarism;
 - (c) must be scrupulously honest in the ascription of authorship, and must not list authors without their permission or attribute work to others who have not in fact contributed to the research;
 - (d) must conform with professional standards and codes of ethics relevant to the discipline;
 - (e) must exercise integrity and good faith in every aspect of research practice.

A breach of these obligations is misconduct under the Discipline Regulations. Details of the procedures for making complaints under the Discipline Regulations, as well as the procedures that apply for the investigation and hearing of complaints, are explained in Part 3 of the Discipline Regulations, which are published in the University Calendar and which can be viewed on the University's web site at <http://calendar.waikato.ac.nz/regulations/general/discipline.html>.

5 Professional Activities Commissioned or Sponsored by External Clients

UNILink, which is the University's office for research and related commercialisation activities, produces and regularly updates a *Handbook on Research and Outside Professional Activities*. This Handbook is a statement of the University's policies with respect to externally sponsored research and the professional activities of its staff that take place at their initiative and as part of their work responsibilities. It provides clear guidelines for use of the University's time and resources for these activities. The administrative procedures for the implementation of the University's policies are included.

The current edition of the *Handbook on Research and Outside Professional Activities* can be downloaded (by staff only) as a pdf file from <http://www.unilink.ac.nz/services/index.html#handbook>.

Set out below is a summary of the most important principles and guidelines concerning work for external clients, all of which are explained in more detail in the Handbook.

General

- 1 The University encourages staff to undertake a wide range of professional activities that are related directly or indirectly to their status as staff of the University. A "professional activity" in this context means an activity that
 - (a) is commissioned or sponsored by an external client, and
 - (b) uses the special skills, experience and knowledge that are the basis for that staff member's employment by the University.
- 2 A staff member may undertake a professional activity
 - (a) as a private individual, or
 - (b) as a staff member of the University.
- 3 A professional activity undertaken "as a private individual" means a professional activity that
 - (a) is not included in the duties defined in the staff member's contract of employment with the University, and
 - (b) is not specified by the staff member's manager (normally chairperson of department) as an activity that the staff member is to undertake
 - (i) during study leave;
 - (ii) for professional development;
 - (iii) as part of performance assessment, and

- (c) does not involve the use of University resources.
- 4 A professional activity undertaken “as a staff member of the University” means an activity that
- (a) is included in the duties defined in the staff member’s contract of employment with the University, or
 - (b) is specified by the staff member’s manager (normally chairperson of department) as an activity that the staff member is to undertake
 - (i) during study leave;
 - (ii) for professional development;
 - (iii) as part of performance assessment, or
 - (c) involves the use of University resources.

Professional activities undertaken by staff as private individuals

- 5 A staff member is not required to obtain University approval as a condition of undertaking a professional activity as a private individual; however, because the activity is, by definition, related to his or her employment by the University, the staff member must
- (a) inform his or her manager (normally chairperson of department), and
 - (b) undertake the activity in a manner that is consistent with the Staff Code of Conduct and the Code of Ethics for Academic Staff.
- 6 The University does not claim ownership of any intellectual property derived from a professional activity undertaken by a staff member as a private individual.
- 7 The University is not liable for a professional activity undertaken by a staff member as a private individual.
- 8 A staff member who undertakes a professional activity as a private individual must inform the external client that the University is not liable for that activity.

Professional activities undertaken by staff as staff of the University

- 9 A staff member must not undertake a professional activity as a staff member of the University without the approval of his or her manager (normally chairperson of department).

- 10 Where a staff member seeks approval to undertake a professional activity as a staff member of the University, the manager has authority to determine whether the staff member is to be personally responsible for the activity and to determine any matters related to ownership of intellectual property derived from that activity, provided it is not commercialisable.
- 11 A manager may, at his or her discretion, approve a request by a staff member to undertake a professional activity as a staff member of the University, if
- (a) the activity is, in the judgement of the manager,
 - (i) consistent with the function, status and goals of the University;
 - (ii) relevant to the staff member’s teaching and research responsibilities;
 - (iii) consistent with the University’s requirements of the staff member with respect to professional development and performance assessment;
 - (iv) consistent with the principle of academic freedom, and
 - (b) the staff member is to be personally responsible for that activity,
 - (c) any intellectual property derived from that activity is not commercialisable, and
 - (d) all direct and indirect costs associated with that activity have been authorised by the manager or other relevant authority.
- 12 If any of the conditions listed in section 11 do not apply, the manager must consult the Deputy Vice-Chancellor (Research) who has authority
- (a) to approve the activity, including any terms that the Deputy Vice-Chancellor (Research) may, at his or her discretion, attach to it;
 - (b) to negotiate and sign on behalf of the University any contract associated with the activity.
 - (c) to prohibit the activity;
- 13 A staff member who undertakes a professional activity as a staff member of the University must comply with the relevant policies and procedures set down in the University of Waikato *Handbook on Research and Outside Professional Activities*.

6 Official Information and Personal Information

Policies and procedures governing the collection, use, storage and disclosure of information by the University are subject to the Official Information Act 1982 and the Privacy Act 1993.

The Privacy Act 1993 defines and protects and rights of individuals with respect to information about themselves. "Personal information" is defined in section 2 of the Privacy Act 1993 as "information about an identifiable individual"; it is not confined to the written word but includes any knowledge, however gained or held, about an individual who may be identifiable by any means including identification number, photograph or video.

Under section 2 of the Official Information Act 1982, "official information" in relation to the University means information held by

- (i) the Council of the University;
- (ii) the Academic Board of the University;
- (iii) any member of the academic staff of the University;
- (iv) any other officer or employee of the University;
- (v) any examiner, assessor, or moderator in any subject or examination taught or conducted by the University.

In the case of research conducted in New Zealand, the researcher must comply with the Privacy Act 1993 and the Official Information Act 1982. Where the research is conducted in a country other than New Zealand, the researcher is expected to comply as far as possible with the spirit of the Privacy Act 1993 and the Official Information Act 1982; however, if there are contradictions between the legislation of New Zealand and the other country, the legislation of the other country must prevail.

Where research involves human participants, the principles that apply, consistent with that legislation, are set out in section 10 of the Human Research Ethics Regulations. They are as follows:

- (a) Participants and informants must not be publicly identified or identifiable without their explicit consent.
- (b) Participants must be informed (unless section 9 of the Human Research Ethics Regulations applies) that they will not be identified in any publication or dissemination of the research findings without their explicit consent.

- (c) Researchers must take all reasonable precautions to prevent unauthorised use, access, modification or disclosure of personal information.
- (d) Personal information must not be kept for longer than required for the purpose for which it is collected (see section 7 below).
- (e) Except in circumstances specified in the relevant legislation, personal information may be used only for the purpose for which it is collected.

Any request or complaint under the Privacy Act 1993 or the Official Information Act 1982 must be referred for action to the Assistant Vice-Chancellor (Vice-Chancellor's Office).

7 Archiving of Data

One of the primary characteristics of research in the international academic community is its openness to scrutiny and formal evaluation. Unless it is 'published' once completed, it is not research.

Consistent with the concepts of peer review and public good is the principle that a researcher must not refuse to make available the findings of the research in the public domain unless this has been agreed in writing by the Deputy Vice-Chancellor (Research) or by a person to whom authority has been delegated in writing by the Deputy Vice-Chancellor (Research).

All data used for published research must be archived indefinitely and made available for secondary analysis and for the benefit of future researchers, unless an intention to do otherwise is declared and justified to the Dean of the Faculty/School in which the research is being undertaken (or to the committee in the relevant Faculty/School responsible for the approval and monitoring of research (see section 11 of this Handbook)).

8 Human Research Ethics

The promotion, review and monitoring of ethical practice in human research are the responsibility of the Human Research Ethics Committee, which is a committee of the Academic Board.

The terms of reference, constitution and current membership of the Human Research Ethics Committee are as follows:

Human Research Ethics Committee

Terms of Reference

1. To consider and recommend to the Academic Board policies and procedures for human research which serve to:
 - 1.1 safeguard the public from unethical research practices;
 - 1.2 safeguard sound academic research from the negative effects of unacceptable research practice;
 - 1.3 encourage good practice in human research;
 - 1.4 promote the reputation of the University as a responsible research and teaching institution.
2. To arrange for the consideration of all proposals involving human research, prior to commencement, to ensure that they comply with the principles and policies adopted by the Academic Board and are defensible in terms of current debate within the relevant discipline or paradigms
3. To assist in the establishment and monitoring of procedures employed in departments and research centres to implement University policy in human research.
4. To act in a consultative and advisory role on ethical issues arising in human research.
5. To encourage peer review of human research within collegial networks.
6. To serve as arbiter in disputes and to initiate investigations into complaints concerning ethical issues in human research, and to submit reports to the Vice-Chancellor, the Academic Board and the department or centre concerned.
7. As required, to review the ethical implications of research proposals being submitted to external agencies, in consultation with the applicant's department, centre, Faculty and School.

Constitution

Appointed Members

1. One person appointed annually by the Academic Board, on the nomination of the Vice-Chancellor, who shall be chairperson
2. Four academic staff members appointed annually by the Academic Board, at least one of whom will also be a member of the University of Waikato Research Committee and

one of whom will be from the School of Science and Technology

3. One student elected from the student representatives
4. One member of the technical staff appointed annually by the Committee, on the recommendation of the Dean of the Faculty of Arts and Social Sciences
5. A representative of the Māori community appointed annually by the Committee, on the recommendation of the Dean of Māori and Pacific Development
6. One person, who is not a University of Waikato staff member, appointed annually by the Council

Co-opted Members

7. The Committee may, from time to time, co-opt people with relevant expertise to help deal with specific matters

Note

The student shall, where possible, be a graduate or postgraduate student with some knowledge or experience in research involving human participants.

2000 Membership

1. Associate Professor A Gunn (Philosophy Dept)
2. Dr F Scrimgeour (Economics Dept)
Dr N Ling (Biological Sciences Dept)
Dr M Payne (Education Studies Dept)
Dr M Foster (Psychology Dept)
3. Ms A Collins
4. Mr M Oulton (Geography Dept)
5. Mr P Rewi (Maori Dept)
6. Dr H Bennett

Serviced by

Mr N Ramsey (Vice-Chancellor's Office)

Committees in the Faculty/Schools and other organisational units that have delegated responsibilities for human research ethics

As explained in section 20 of the Human Research Ethics Regulations (see above), the Human Research Ethics Committee delegates to each Faculty/School a range of responsibilities related to the approval, monitoring and reporting of human research activities. Organisational units outside the Faculty/Schools also have delegated responsibilities for any research activities involving human participants.

Details of these committees, including members, are listed in section 11 of this Handbook.

Human Research Ethics Regulations 2000

Research involving human participants is governed by the University's Human Research Ethics Regulations, published in the University Calendar and set out in full below. They explain the standards of ethical conduct required in University research involving human participants, and the procedures that apply for the maintenance and monitoring of those standards.

1 Title

These are the Human Research Ethics Regulations 2000.

2 Purpose

The purpose of these regulations is to explain the standards of ethical conduct required in University research involving human participants, and the procedures that apply for the maintenance and monitoring of those standards.

3 Date of effect

These regulations are effective from 1 January 2001.

4 Definitions

In these regulations

- (a) **research** means an inquiry of an investigative, experimental or critical nature which is driven by a question, hypothesis or intellectual position capable of rigorous assessment, and the findings of which are open to scrutiny and formal evaluation; it includes any intellectual or creative work published, exhibited, presented or performed in a written, spoken, electronic, broadcasting, visual, performance or other medium;
- (b) **research** refers specifically to human research, which means an activity in which a live human being or a group of live human beings participates in the research, whether by observation, questioning, participation in an experiment, or by other means; it includes teaching that involves the participation of a human being or group of human beings for the demonstration of procedures or phenomena; (ethical aspects of research using live animals is covered by the University's Code of Ethical Conduct for the Use of Animals for Teaching and Research);
- (c) **researcher** means the person conducting the research.

5 Application

These regulations apply to

- (a) staff of the University of Waikato,
- (b) students of the University of Waikato, and
- (c) any other person authorised to undertake research in association with the University of Waikato.

6 Responsibility for ethics in human research

- (1) A researcher is responsible for identifying a research project as human research and, if it is identified as human research, for ensuring that it complies with these regulations.
- (2) If a researcher is a student, the staff member responsible for supervising the student's research must take all reasonable steps to ensure that the student complies with these regulations.

7 Value of research and public interest

- (1) A researcher must be able to justify to his or her peers the goals and methodology of the research in terms of its reasonably anticipated benefits balanced against any foreseeable risk to the participants.
- (2) A researcher must not refuse to make available the findings of the research in the public domain unless this has been agreed in writing by the Deputy Vice-Chancellor (Research) or by a person to whom authority is delegated in writing by the Deputy Vice-Chancellor (Research), and notified to the chairperson of the Human Research Ethics Committee.

8 Informed consent of participants

- (1) A researcher must not involve a person in research unless the person has understood the nature of his or her involvement and freely agreed to it in accordance with the principles outlined in this section.
- (2) A researcher must not use coercion to obtain the agreement, and must not use inducement to obtain the agreement except in accordance with section 16.
- (3) A researcher must be able to justify the research on the basis of an explicitly formulated principle of trust between the researcher and the participant that is capable of peer review by a relevant professional body.
- (4) Unless section 9 applies, a researcher must adhere to the following principles with respect to informed consent of participants:
 - (a) A researcher must inform participants of their right to complain if they feel

- that their trust has been abused, and must also inform them of the process for making a complaint.
- (b) If the research involves manipulation of, or intervention in, the physical or psychological state of a participant, the participant's consent, or, if paragraph (d) applies, the consent of the person with legal responsibility for the participant, must be recorded in writing or on tape.
 - (c) Because much social science research involves collectives, a researcher must recognise the complexities of relationships between individuals and collectives. In some cultures it is common for the leader of a collective to make a decision in respect of participation on behalf of its members. If an individual in a collective wishes to participate or not to participate in the research, in spite of a decision taken on behalf of the collective, the individual's wishes must be respected and all reasonable care taken to ensure that those wishes are also respected by other members of the collective.
 - (d) If a prospective participant is, because of age or infirmity, judged incapable of giving informed consent, the researcher must obtain the consent from the person who has legal responsibility for the prospective participant's welfare, taking particular care to protect the participant's interests and also taking into account any potential conflict of interest between him or her and the person whose consent is required.
 - (e) A researcher who seeks the consent of another person on behalf of a prospective participant under paragraph (d) must make all reasonable effort to involve the prospective participant him or herself in the process and the decision about consent.
 - (f) A researcher must inform prospective participants of their right to
 - (i) decline to participate in the research;
 - (ii) decline to answer particular questions or engage in particular activities;
 - (iii) withdraw completely from the research at any time;
 - (iv) withdraw any information they have provided at any time before completion of data collection.
 - (g) Where research participants are asked to answer questionnaires that might identify them, answer questions in a formal interview, or undergo formal tests, or where they are subjected to formal observation and recording procedures, the process for obtaining informed consent, and the form of the consent, should be similarly formal and recorded in writing or on tape.
 - (h) Where the research methods and consent process are to be formal, the researcher must, before inviting prospective participants to participate
 - (i) make them aware of the nature of the research;
 - (ii) make them aware of the form in which the findings will be published;
 - (iii) provide them with all information relevant to the decision to participate.
 - (i) A researcher must provide the information under paragraph (h) plainly and in the language that is appropriate for the prospective participants.
 - (j) Where less formal research methods are involved or where the participation is more collective or anonymous, informed consent may be less personalised and less explicit (see section 9).
 - (k) A researcher must inform participants of their right of access to any data that have been collected from or about them.
- 9 Large random sample surveys and similar research instruments**
- (1) A researcher who intends to conduct structured interviews involving large numbers of people sampled randomly and anonymously is not required to adhere to all the principles concerning informed consent outlined in section 8 (4) if the research instrument makes adherence to all these principles impractical or undesirable and if such a requirement is likely to impact adversely on the researcher's ability to maximise the response rate in order to generate reliable information.
 - (2) However, the researcher must declare and justify an intention not to adhere to the principles in section 8 (4), in the application for approval submitted under section 21, and must provide the following

information, as a minimum, to a participant before the interview:

- (a) the anticipated length of the interview;
- (b) the general purpose of the research;
- (c) an assurance that the participant will not be identified in any publication or dissemination of research findings.

10 Archiving of data and privacy and storage of personal information

- (1) All data used for published research must be archived indefinitely and made available for secondary analysis, unless an intention to do otherwise is declared and justified in the application for approval submitted under section 21.
- (2) Where the research is conducted in New Zealand, the researcher must comply with the Privacy Act 1993 and the Official Information Act 1982, and must adhere to the following principles consistent with that legislation:
 - (a) Participants and informants must not be publicly identified or identifiable without their explicit consent.
 - (b) Participants must be informed (unless section 9 applies) that they will not be identified in any publication or dissemination of the research findings without their explicit consent.
 - (c) Researchers must take all reasonable precautions to prevent unauthorised use, access, modification or disclosure of personal information.
 - (d) Data identifying participants must not be kept for longer than required for the purpose for which it is collected (see subsection (1)).
 - (e) Except in circumstances specified in the relevant legislation, personal information may be used only for the purpose for which it is collected.
- (3) Where the research is conducted in a country other than New Zealand, the researcher must comply with any legislation that applies in that country with respect to privacy and storage of personal information.
- (4) Even where the research is conducted in a country other than New Zealand, the researcher must comply as far as possible with the spirit of the Privacy Act 1993 and the Official Information Act 1982; however, if there are contradictions between the legislation of New Zealand and the other country, the legislation of the other country must prevail.

- (5) A researcher must include in an application submitted under section 21 a statement about the conditions under which, and the period for which, any personal information collected for the research is to be stored.

11 Minimisation of risk

- (1) A researcher must make particular effort to identify physical, psychological, social or cultural risk to participants before seeking their consent to participation in research.
- (2) A researcher must minimise both the risk to a participant and the potential for negative consequences of the risk.
- (3) 'Risk' in this context includes pain, stress, emotional distress, fatigue, embarrassment, cultural dissonance and exploitation.
- (4) Unless it would be impractical or undesirable to do so in the terms described in section 9, a researcher must consult participants to ascertain any risk that they themselves may identify or concerns that they themselves may have.
- (5) If, during the course of the research, it is apparent to the researcher that the risk to the participant is greater than originally envisaged, the researcher must inform the participant and re-evaluate the research in terms of the principles outlined in this section.

12 Limitation of deception

- (1) Deception of participants conflicts with the principle of informed consent, but in some areas of research it may be necessary to withhold information about the purpose of the research or the procedures involved.
- (2) Research involving deception of participants will be approved only if the researcher demonstrates, through the approval procedures explained in section 21, that the deception is absolutely essential to the goals of the research.
- (3) A researcher who undertakes research involving deception of a participant must ensure that the participant is provided with an explanation of the true purpose of the research and the reason for the deception as soon as practicable after the participation.

13 Social and cultural sensitivity

- (1) A researcher must respect the cultural, social and language preferences and sensitivities of the participant.
- (2) Where the research is aimed at individuals or groups who are significantly different in

culture from the researcher, the researcher must consult a qualified person before the research begins about appropriate procedures and approaches to the research, and about informing the participant or community concerned of the research findings.

14 Exploitation of relationships

- (1) A researcher must not exploit the relationship between researcher and participant.
- (2) A researcher must prevent or terminate any initiative by a participant to exploit the relationship between researcher and participant.
- (3) 'Exploitation' in this context means the seeking or obtaining of money, goods, services, favours, information or relationships that have no direct bearing on the stated research aims or data gathering.
- (4) Where a researcher is a staff member and the prospective participant a student, the researcher must ensure that the student is not disadvantaged through his or her participation or refusal to participate, academically, professionally or otherwise.

15 Respect for property rights

- (1) A researcher must ensure that procedures or publications associated with the research do not infringe legally or culturally determined property rights.
- (2) Property rights in this context may apply to land, goods, works of art and craft, spiritual treasures, information and intellectual property.
- (3) A researcher must identify and address any issues associated with property rights and ownership of data at the time he or she seeks informed consent.

16 Payment for participation

A researcher must not pay participants for their participation, or arrange for participants to be paid, in money, goods, services, prizes, favours or in any other form of remuneration, either directly or indirectly, unless the payment is approved by the appropriate approving authority under section 21.

17 Professional codes of ethics

A researcher must ensure that the research complies with any ethical or scientific code or standard established by any professional organisation relevant to the research.

18 Observation and research in schools and early childhood centres

- (1) A researcher involved in observation and research in a school or early childhood centre must comply with the guidelines in Appendix 1.
- (2) The Human Research Ethics Committee may amend the guidelines in Appendix 1 on the recommendation of the Board of Studies of the School of Education.

19 Declaration of conflict of interest

- (1) A researcher must, in an application submitted under section 21, declare any conflict of interest.
- (2) 'Conflict of interest' in this context means
 - (a) unfair professional, commercial or personal advantage;
 - (b) position in relation to the research or the participants that could appear to affect the researcher's impartiality in the research;
 - (c) direct or indirect pecuniary interest.
- (3) If research is commissioned or sponsored, the researcher must ensure that the commission or the sponsorship
 - (a) is declared to the participants and in any published findings;
 - (b) does not compromise the standard or ethics of the research.

20 Authority for approval and monitoring of human research

- (1) Any human research requires approval.
- (2) The Human Research Ethics Committee is responsible to the Academic Board for the promotion, review and monitoring of ethical practice in human research, and for monitoring compliance with these regulations.
- (3) Each School of Studies and Faculty has one or more committees with responsibility at the School, Faculty or departmental level, delegated by the Human Research Ethics Committee, for
 - (a) the approval of human research activities in the School, Faculty or department;
 - (b) compliance with these regulations in the School, Faculty or department;
 - (c) maintaining records of human research activities in the School, Faculty or department in the form required by the Human Research Committee;
 - (d) reporting to the Human Research Ethics Committee in the form required by that Committee.

- (4) The Dean of each School or Faculty determines the committee structure for the respective School or Faculty under subsection (3), and the constitution and procedures of any committee involved.
- (5) Responsibility for the following matters in any organisational unit outside a School or Faculty is delegated by the Human Research Ethics Committee to the Director of that unit:
 - (a) the approval of human research activities in the unit;
 - (b) compliance with these regulations in the unit;
 - (c) maintaining records of human research activities in the unit in the form required by the Human Research Committee;
 - (d) reporting to the Human Research Ethics Committee in the form required by that Committee.
- (6) A Director who delegates any of the responsibilities listed in subsection (5) may determine the terms of the delegation, but retains overall responsibility and accountability to the Human Research Ethics Committee.
- (7) A committee at the departmental, School or Faculty level, or a Director of a unit outside a School or Faculty, may consult with the Human Research Ethics Committee at any time and may request that the Human Research Ethics Committee review any relevant matter, or review any decision taken under delegated authority.

21 Application procedures for human research

- (1) A researcher must not commence a human research project until it has been approved by the appropriate authority (section 20) and in accordance with these regulations.
- (2) If an ethical issue relating to human research that was not envisaged when the research was originally begun arises during the course of a research project, the researcher must stop the research and apply to the appropriate authority for approval; the researcher must not begin the research again until the necessary approval has been obtained.
- (3) Applications for approval of human research must be submitted in the form prescribed for the relevant School, Faculty,

department or unit; a format suggested by the Human Research Ethics Committee for this purpose is attached as Appendix 2.

22 Appeals against decisions concerning applications

A researcher may appeal to the Human Research Ethics Committee against any decision concerning an application for human research at the departmental, School, Faculty or unit level.

23 Complaints and breaches

- (1) A dispute or complaint about a human research project that has ethical implications may be referred to the Human Research Ethics Committee.
- (2) If a complaint or dispute arises, the Human Research Ethics Committee may require that the relevant activity be discontinued until the complaint or dispute is resolved.
- (3) If, in its judgement, formal disciplinary action is not required, the Human Research Ethics Committee may take informal action, at its discretion, to deal with the complaint or dispute.
- (4) If the Human Research Ethics Committee considers that the complaint or dispute is sufficiently serious, it may refer the matter to the Vice-Chancellor who may arrange for it to be dealt with
 - (a) if it concerns a student, as misconduct under the Discipline Regulations;
 - (b) if it concerns a staff member, as a breach of the Staff Code of Conduct;
 - (c) if it concerns a person other than a student or staff member, as the Vice-Chancellor thinks fit.

24 Appeal provision

- (1) A person may appeal to the Academic Board against any decision by the Human Research Ethics Committee under these regulations.
- (2) The Academic Board may determine its own procedures for hearing and deciding the appeal provided that they conform with the principles of natural justice, and may delegate authority to hear and decide an appeal on its behalf.
- (3) The decision of the Academic Board (or delegated authority) on an appeal is final.

Human Research Ethics Regulations 2000 (Section 18) Appendix 1

Guidelines for Observation and Research in Schools and Early Childhood Centres

When an activity is undertaken in the role of university staff or student, and is written about for the purpose of a university assignment, dissertation, thesis, or research project, then it is research and requires permission from the University of Waikato Human Research Ethics Committee (HREC). This means that university assignments that involve observations, interviews, or copying of children's work are research tasks, and the consent of the school is required. However, if a student is writing about her or his experiences as a teacher on teaching practice, then it is not research and does not require consent of the school.

One criterion is: what will be done with the information? If it is solely to be shared with the students and/or their parents/teachers, it is not research. If it is to be brought back to the University for an assignment, dissertation, thesis, or research project, then it is research; informed consent is required and permission from the HREC is required.

Activities Undertaken as a Researcher

This section refers to researchers who are not teachers in a school or early childhood centre where the research is occurring.

This includes situations such as:

- Observation of children as part of a research project set up or supervised by university staff.
- Observation of children as part of a task assigned for a university paper, which would not take place in the normal course of teaching children.
- Observation of another teacher as part of a research project set up or supervised by University staff.
- Interviewing a teacher, student, principal, parent, board member etc in a school or early childhood centre.
- Looking through school or early childhood centre records for the purpose of gathering information for any university assignment or research project.

1. Observation of Children

Observation of children in the school setting as part of research on those children is covered by the University's Human Research Ethics Regulations. The children are then research participants and written informed consent from parents is needed. Depending on age it would be appropriate to require that the children be informed, or asked to give verbal consent or written consent.

If participants will be studied on more than one occasion, this should be explained to them in advance as part of the procedure for gaining consent. As a courtesy they should be told, perhaps in advance, when more observations will take place; but it is not necessary to obtain consent each time.

Research data should be kept confidential. Research data should be presented in such a way that no individual could be identified. Parents do not have a right to access individual data. This should be clearly explained to parents and children before consent is requested.

2. Observation of Qualified or Student Teachers for Research Purposes

Observation of qualified or student teachers in the school setting as part of research on those teachers is also covered by the University's Human Research Ethics Regulations. The teachers are then research participants and written informed consent from them is needed. If the children are also being observed systematically as part of the research, section 1 above applies as well.

If participants will be studied on more than one occasion, this should be explained to them in advance as part of the procedure for gaining consent. As a courtesy they should be told, perhaps in advance, when more observations will take place; but it is not necessary to obtain consent each time.

Again, research data should be kept confidential. Research data should also be presented in such a way that no individual could be identified without his or her consent. This should be clearly explained to participants before consent is requested.

Research participants in the school setting should not be able to insist on being identified because of the risk of identifying other people in the process; names may be used in research reports only in exceptional circumstances where no other persons would be identified, and there would be no risk of harm to others.

3. Copyright

Students and teachers in schools or early childhood centres should be treated as the owners of copyright of their work and should be asked permission to copy any of their work in a way that respects their right of refusal.

4. **Observation of Qualified or Student Teachers for Performance Evaluation**
 Observation of qualified or student teachers in the school setting in order to assess their effectiveness, for example for audit or quality control purposes, is not research and does not require written or any other consent, though the purpose, timing and mode of the observation should be explained in advance.

Information should be released only to those authorised to receive it for the specified purpose.

If teachers will be evaluated on more than one occasion, this should be explained to them in advance as part of the procedure for gaining consent. As a courtesy they should be told, perhaps in advance, when more observations will take place; but it is not necessary to obtain consent each time.

Evaluation data, including data about other persons present, should be kept confidential. Evaluation data should be presented in such a way that no individual could be identified.

Activities Undertaken as Student Teacher

When an activity is undertaken in the professional role of teacher, which includes student teacher, and its purpose is to enhance the education of children, or the professional development of teachers, then it is not research.

This includes situations such as:

- Observation of children by student teacher on teaching practice as part of the normal professional development of a teacher.
- Writing about observations made in the course of being a student teacher on teaching practice for the purpose of a university assignment.
- Collecting or photocopying samples of students' work for inclusion as illustrations in a university assignment on say a pedagogical principle.

Guidelines for student teachers:

1. Arrange interviews and observations in advance. Do not attempt to spring an interview or observation on a teacher or principal without warning. Do not ask to conduct interviews with a teacher during his or her class times.
2. Do not presume that, because you are a member of the school committee as a teacher, student teacher, or family member, that you have the right to collect research data without informed consent.

3. All research projects involving school personnel should be cleared with the principal, even if the researcher is an employee of the school. The principal should decide whether the project requires the approval of the Board of Trustees.
4. School principals and teachers are busy people who are often asked to participate in research. Please keep your demands to the minimum – and make sure your project is one that they'll want to participate in.

School of Education
 20 June 2000

Human Research Ethics Regulations 2000 (Section 21(3)) Appendix 2

Recommended Format for Applications for Approval

Applicants should read the University's Human Research Ethics Regulations before completing and submitting this application to the appropriate authority.

This application is to be completed by the person or persons identified under the Human Research Ethics Regulations as the 'researcher'. The 'researcher' is,

- (a) in the case of research undertaken by a student as an element of his or her assessment, unless it is at MPhil or doctoral level, the staff member(s) or authorised person(s) responsible for supervising it;
- (b) in the case of research undertaken by a student at MPhil or doctoral level, the student.
- (c) in the case of research undertaken by a staff member or other authorised person, or a group of staff and/or other authorised persons, the staff member(s) and/or authorised person(s).

1. Name of researcher(s)
2. Department of researcher(s)
3. Researcher(s) from off campus
 If a researcher who is not a staff member or student of the University is involved, provide details of that person's status and role, and confirm that he or she has been provided with a copy of the University's Human Research Ethics Regulations.
4. Title of research project
5. Status of research project (eg, PhD, academic research, contract research etc)

6. Funding source, if applicable
7. Name of supervisor(s), if applicable
8. Description of research project
Describe the project in plain language under the following headings:
 - (a) Justification in academic terms
 - (b) Objectives
 - (c) Procedure for recruiting participants and obtaining informed consent (attach copies of information given to prospective participants and consent forms if applicable)
 - (d) Procedures in which participants will be involved
9. Procedures and time frame for archiving data (Researchers are expected to store data indefinitely unless good reason is given for doing otherwise.)
10. Procedures and time frame for storing and maintaining confidentiality of personal information
11. Ethical and legal issues
Outline any ethical and legal issues together with proposed solutions under the following headings, as applicable:
 - (a) Access to participants
 - (b) Informed consent
 - (c) Potential risk to participants
 - (d) Publication of findings
 - (e) Conflict of interest
 - (f) Intellectual and other property rights
 - (g) Intention to pay participants
 - (h) Any other ethical or legal issue
12. Ethical Statement
State
 - (i) the basic ethical principles that will guide the research (these may include a code of conduct or a generally recognised statement from within a discipline or professional association), and
 - (ii) the manner in which the researcher intends to apply them.

20 June 2000

Student compliance with the Human Research Ethics Regulations is governed by the Discipline Regulations, which are published in full in the University Calendar and which can also be read on the University's web site at <http://calendar.waikato.ac.nz/regulations/general/discipline.html>.

A student found to be in breach of these regulations would be subject to the discipline procedures outlined in Part 3 of the Discipline Regulations.

A breach of the Code by a staff member would be dealt with under the Staff Code of Conduct.

9 Research Using Live Animals

Because the University is an organisation that is involved in research and teaching using animals, it is obliged under section 83 of the Animal Welfare Act 1999 to have an approved code of ethical conduct, and to ensure that individual projects are approved by an Animal Ethics Committee and carried out in accordance with any conditions imposed. The Ethics Committee on the Welfare of Experimental Animals is therefore established and appointed by the Vice-Chancellor in accordance with this provision of the Act.

The terms of reference, constitution and current membership of the Ethics Committee on the Welfare of Experimental Animals are as follows:

Ethics Committee on the Welfare of Experimental Animals

Terms of Reference

1. To consider proposals for any research or teaching that involves manipulation of animals, prior to commencement.
2. To ensure that all research and teaching by staff and students of the University are carried out in terms of the provisions of the Animal Welfare Act 1999 and the University's Code of Ethical Conduct for the Use of Animals for Teaching and Research.
3. To recommend to the Vice-Chancellor (who is the code holder under the Animal Welfare Act 1999) through the Boards of Studies and Academic Board, a Code of Ethical Conduct for the Use of Animals in Teaching and Research, and any subsequent amendments to the code.
4. To exercise all functions, duties and powers as set out in the Code of Ethical Conduct for the Use of Animals for Teaching and Research.
5. To consider and report on any relevant matters referred to it by the Vice-Chancellor or the Academic Board.

6. To present an annual report on its activities to the Vice-Chancellor through the Academic Board.

Constitution

At least six people appointed annually by the Vice-Chancellor as follows:

1. One senior member of staff of the University who is chairperson, and capable of evaluating each proposal involving manipulation of animals, in terms of the qualifications and skills of the proposer and others involved and the scientific or teaching value of the proposal;
2. One senior member of staff who is appropriately qualified and experienced in the manipulation and use of animals for research and teaching;
3. An Animal House technician;
4. A veterinarian, who is not a member of staff or otherwise associated with the University, nominated by the New Zealand Veterinary Association;
5. One person who is not a member of staff or otherwise associated with the University, nominated by a nationally recognised animal welfare organisation;
6. A lay person, who is not a member of staff or otherwise associated with the scientific community or an animal welfare agency, nominated by a territorial authority or regional council.
7. Any other member(s) who may be requested by the Committee.

Notes

- The Committee meets at least four times a year and on other occasions as required.
- No meeting of this Committee may be held unless four members are present. This quorum must include the three members appointed under 1, 2 and 3, and at least one of the members appointed under 4, 5 and 6.

2000 Membership

1. Professor R J Wilkins (Biological Sciences Dept)
2. Dr L McLeay (Biological Sciences Dept)
3. Mr G Reynolds (Biological Sciences Dept)
4. Mr D Baumberg (NZ Veterinary Association)
5. Mr J Moxham (SPCA)
6. Councillor B Farrell (Hamilton City Council)
7. Ms J Chandler (Psychology Dept)
Dr J Waas (Biological Sciences Dept)

Serviced by

Ms V Robson (Biological Sciences Department)

Code of Ethical Conduct for the Use of Animals for Teaching and Research

Set out below are extracts from the document *Code of Ethical Conduct for the Use of Animals for Teaching and Research*. The full Code, which came into effect on 22 January 1998 having been approved by the Minister of Agriculture, is available from Vivienne Robson, Biological Sciences Department.

The Code applies to all University of Waikato staff and students wherever they are. All animals are protected by the Code, whether they are bred on the campus for experimental purposes, brought to the campus for such purposes, or whether they are held off campus for long or brief periods for university purposes.

Procedures

All protocols involving teaching and research in which living animals are to be used must be submitted to the Ethics Committee on the Welfare of Experimental Animals. Such protocols must list and be signed by persons primarily involved and responsible for the manipulations. Where the manipulation is undertaken as part of a professional service by a specialist not otherwise involved in the project, then it is sufficient to merely list the person, (eg. anaesthetist, surgeon, technician, farm manager). It is the responsibility of those signing to ensure that all personnel involved in the manipulations and care of the animals are aware of their obligations under the Code of Ethics. No such research or teaching exercise may commence without prior approval by the Ethics Committee on the Welfare of Experimental Animals.

The prescribed number of typewritten copies on a standard form should be submitted by the proposer to the Secretary of the Ethics Committee on the Welfare of Experimental Animals (Vivienne Robson) at least seven days before a regular meeting.

Persons signing the protocol must indicate and signify on the approved protocol form:

- (a) their experience, (and where appropriate, that of others listed) with the procedures proposed in the application;
- (b) that they have read the Code of Ethics and will abide by it.

Approval for ongoing research or teaching procedures must be renewed at least every three years.

A departure from an approved protocol that adversely affects the welfare, or increases the number, of animals must be approved by the Committee.

The applicant will not normally be present during the Committee's discussion of an application, but may ask to attend a meeting in support of an application. Similarly the Committee may require an applicant to be present.

In the case of the Committee not approving a proposal the applicant may submit a revised application or appeal the decision to the Committee. In the latter situation, further justification or expert opinion in favour of the proposal must be produced.

Definitions

"Manipulation" shall have the meaning assigned to it in the Act and the Regulations.

This, in relation to any live animal, means interfering with the normal physiological, behavioural or anatomical integrity of the animal by deliberately:

- (a) exposing it to any parasite, micro-organism, drug, chemical, biological product, radiation, electrical stimulation, or environmental condition;
- (b) subjecting it to enforced activity, unusual restraint, abnormal nutrition, or surgical intervention;
- (c) depriving it of usual care;
- (d) euthanasia for the purpose of the experiment or teaching exercise;
- (e) subjecting it to yarding, weighing, blood sampling or any other farming procedure in excess of that needed for production and health purposes;
- (f) capture from a wild state.

It does not include any therapy or prophylaxis necessary or desirable for the welfare of the animal.

"Animals" has the meaning assigned to it in the Act and the Regulations and includes:

- (a) any horse, cattle, sheep, pig, goat, dog, cat, or any other mammal including marsupials and monotremes of whatever age or sex and whether domestic, wild state, or in captivity;
- (b) any bird, whether in a domestic or wild state;
- (c) any marine mammal;
- (d) any fishes, reptiles or amphibians in the wild state or kept in a state of captivity or which are dependent upon humans for care and sustenance;

- (e) a fetus of any mammalian species during the last two thirds of gestation;
- (f) embryonated eggs in the last two thirds of incubation;
- (g) any animal of a species that is declared by the Minister, by notice in the 'Gazette', to be a species of animal for the purposes of the Act.

Implementation of the Code

The University expects that all researchers and teachers involved in the use of animals, having signified that they have read the code, will observe it in the spirit as well as the letter. As there is also a corporate responsibility inherent in the Act, this expectation is extended to all other personnel. Advertent or inadvertent breaches of the Code should be corrected immediately or reported to the Ethics Committee on the Welfare of Experimental Animals who shall take action to rectify the matter. Chairpersons of Department have a special responsibility to see that staff under their control observe the Code and to facilitate this, they shall receive and keep copies of all currently approved protocols involving research or teaching under their jurisdiction.

Statistics

- (a) It is a requirement of the Animals Protection (Code of Ethical Conduct) Regulations 1987, that statistics of animal usage in teaching and research be kept and made available to the Director General of MAF on request.
- (b) To facilitate this requirement each researcher or teacher responsible for protocols or their nominee must keep a diary or other record of the number of animals used, their source, the procedures they are being or were used for and their ultimate fate when finished with. This must be kept fully up to date and may be inspected or requested at any time.
- (c) The researcher or teacher responsible for a protocol will be required to initiate the Animal Use Statistics Application/Final Return Form and submit this with their application. This form should be completed when the experiments have finished and returned to the Secretary of the AEC.
- (d) Those facilities (or farms) under the jurisdiction of the University will keep a record of all animals supplied for teaching and research, and make a return of these statistics to MAF annually.

Exemptions

The procedural requirements of the Code of Ethical Conduct for the Use of Animals for Teaching and Research do not apply to:

- (a) tissues obtained from a slaughter house, farm or at a routine post-mortem examination, where their use is incidental to the reason the animal died or was killed;
- (b) animals being farmed under normal animal husbandry practices so long as there are no additional manipulations;
- (c) when a member of staff is on long overseas leave, is attached to an overseas institution and participates in research, the responsibility for which clearly resides with the host institution. In this instance, the proposed work should be considered under the regulations pertaining to that country's laws on the use of animals in teaching and research, provided that there is a mechanism in place. Notwithstanding this, the Committee may require a staff member to notify it of the type of research being undertaken and conditions pertaining to that research. If there be doubt in any particular situation, the matter should be discussed with the Ethics Committee on the Welfare of Experimental Animals.

Aims

The aims of the Code are:

- to ensure compliance with the Act and the Regulations;
- to emphasise the responsibilities associated with research, teaching and biotechnology involving the use of live animals;
- to promote an attitude which will encourage the efficient and considerate treatment of animals so that any degree of stress or discomfort produced is reduced to a minimum;
- to ensure that projects are not prejudiced by inefficient techniques and lack of care of animals;
- to promote a philosophy of seeking ways of reducing the number of animals used to the minimum necessary, of refining techniques to minimise the invasiveness of the experiment and maximise its benefits, and of replacing the use of whole animals with alternative methods where appropriate, referred to below as "reduction, refinement, and replacement".

Responsibilities of the University of Waikato

- (a) The University of Waikato shall not conduct, or permit any person to conduct on its behalf, whether on the University of Waikato's premises or elsewhere, any research, experimental, diagnostic, toxicity, or potency testing work involving the manipulation of any live animal, or teaching involving the manipulation of any live animal, unless that work or teaching is carried out in accordance with this Code.
- (b) The University of Waikato shall bring every such proposal to the attention of the Committee for its prior approval in sufficient time to enable adequate consideration thereof.
- (c) All Acts of Parliament, Regulations or Bylaws pertaining to the obtaining, holding, possession, care and treatment of animals are to be complied with.
- (d) Every such proposal shall specifically refer to such of the following matters as are relevant to the proposal:
 - (i) Whether any alternative to the manipulation or use involving reduction, refinement or replacement, has been considered, and is reasonably practicable. If so, why such alternative is not being adopted;
 - (ii) In what respect the work proposed is likely to result in the extension of the body of knowledge relevant to the health and welfare of humans, or animals, or the productivity of animals;
 - (iii) In the case of any educational institution, that the manipulation or use is required as part of the teaching of that institution's curriculum;
 - (iv) What factors have been taken into account in the choice of animal species, and the weighting given to such factors. Where standard works of reference have been relied on, these should be identified. Endangered or threatened species should not be used unless the findings are expected to assist the survival of that species.
 - (v) The decision as to the number of animals involved, to ensure that it should be the minimum necessary to provide a scientifically interpretable result, consistent with the level of accuracy required.

Consideration must be given to:

- the design of the study;
- the level of accuracy necessary in the results;
- the possible confounding effects of animal variation;
- the needs of statistical analysis.

In general, duplication of experiments involving live animals should only be contemplated when it is considered that the original study requires scientific verification or was flawed or inadequate in some way which would invalidate its conclusions.

- (vi) The source from which the animals are to be obtained, their movement and transportation and measures to ensure their welfare and humane treatment;
 - (vii) The responsibilities of the persons undertaking, supervising and responsible for manipulation and selection of animals, and their care and disposal;
 - (viii) The measures to be taken to ensure the general health and welfare of animals before, during and after manipulation; including the adequacy and cleanliness of housing, caging and equipment; the provision of food and water; prevention of over-crowding and prevention and control of disease;
 - (ix) The measures to be taken to minimise pain or distress; including abandonment of any manipulation and the humane destruction of animals where pain or distress cannot be held within reasonable levels.
 - (x) Any other aspects of the proposal which the applicant considers ought to be brought to the attention of the committee
- (e) The University of Waikato shall in all respects comply with Regulations 5 and 6 of the regulations which relates to the keeping of sufficient records and the supply of statistics and other data to the Director-General of Agriculture.
- (f) Every proposal shall clearly identify the persons primarily involved in carrying it out and those responsible for the manipulations, and shall be signed by them. They shall be responsible to ensure that all personnel involved in the manipulation and care of animals are aware of their obligations under this Code. Every person signing the proposal shall provide appropriate information as to

their experience with the procedures proposed in the application, and shall confirm that they have read this Code and will abide by it.

- (g) In addition to containing an appropriate scientific and technical justification, and description of procedures sufficient to enable the Committee to have an adequate understanding of the proposal, and addressing any other matters referred to in paragraphs (d) and (f) above, every proposal shall be accompanied by an explanation in non-technical language fully describing the purposes and anticipated benefits of the work.
- (h) The University of Waikato shall fully and promptly comply with any decision of the Committee, and shall take into account any report of the Committee.
- (i) Upon receiving from the Committee a report as to non-compliance with this Code, the Vice-Chancellor shall immediately consider the report and take appropriate action thereon, which may include in-house disciplinary action, and/or reference of the report to the Ministry of Agriculture with a view to a prosecution.
- (j) The University of Waikato shall indemnify each member of the Committee against any claim whatsoever arising out of any act done or omission made in good faith in pursuance, or purported pursuance of this code.

Student compliance with the Code of Ethical Conduct for the Use of Animals for Teaching and Research any other instruction by the Ethics Committee on the Welfare of Experimental Animals is governed by section 7 of the Student Research Regulations, which are published in full in the University Calendar and which can also be read on the University's web site at <http://calendar.waikato.ac.nz/regulations/general>.

Section 7 of the Student Research Regulations states as follows:

7 Research using live animals

- (1) Users of live animals for teaching, research or the production of biologically active agents have ethical and legal responsibility for the welfare of those animals.

- (2) The Ethics Committee on the Welfare of Experimental Animals is established by the Vice-Chancellor in accordance with the requirements of the Animal Welfare Act 1999, and is responsible for
- (a) ensuring that any experimental procedure involving live animals complies with the Animal Welfare Act 1999 and the University's Code of Ethical Conduct for the Use of Animals for Teaching and Research;
 - (b) initiating investigations into any suspected non-compliance with the Animal Welfare Act 1999 or the University's Code of Ethical Conduct for the Use of Animals for Teaching and Research;
 - (c) arbitrating in disputes about use of live animals for teaching and research.
- (3) A student involved in the use of animals for research commits misconduct if he or she fails to comply with
- (a) the University's Code of Ethical Conduct for the Use of Animals for Teaching and Research, or
 - (b) any other instruction by the Ethics Committee on the Welfare of Experimental Animals.

A student found to be in breach of these regulations would be subject to the discipline procedures outlined in Part 3 of the Discipline Regulations.

A breach of the Code by a staff member would be dealt with under the Staff Code of Conduct.

9 Research or Teaching Involving the Development of Low Risk Genetically Modified Organisms

The Institutional Biological Safety Committee (IBSC), which is located in the Office of Biological Sciences, is established by the Vice-Chancellor in accordance with the requirements of the Hazardous Substances and New Organisms Act 1996, to act under delegated authority from the Environmental Risk Management Authority (ERMA).

The IBSC is responsible for

- (a) ensuring that all approved activities involving GMOs on university premises have been reported to ERMA;

- (b) ensuring that activities involving GMOs take place in approved designated areas;
- (c) providing information to students and staff about their responsibilities under the Hazardous Substances and New Organisms Act 1996 and the ERMA Regulations.

The IBSC can consider ERMA applications in only one category; that is, for the development of new *low risk* organisms in containment. This category is limited to the small scale introduction of new genetic material into specified strains of host bacteria, fungi, plant or animal cells, using specified vectors. Approved strains are listed in Schedule 216 of the Hazardous Substances and New Organisms Act 1996.

Application forms for low risk experiments can be obtained from the Secretary of the IBSC, Vivienne Robson (ext 4022) in electronic form. Advice on completing the form can be obtained from Raewyn Towers (ext 8482). The completed application form should be returned to the Secretary, who distributes it to IBSC members for consideration. The applicant is notified of the committee's decision within 10 working days. Any experiments involving large-scale cultures, hosts or vectors not listed in Schedule 216, or field trials or releases, or importation of new organisms must be approved by ERMA itself and are subject to more rigorous consideration and controls. More information can be obtained from the ERMA website: ermanz@govt.nz.

The terms of reference, constitution and membership of the IBSC are as follows:

Institutional Biological Safety Committee (IBSC)

Terms of Reference

1. To put in place processes to handle and report assessments on applications to use, develop or import new organisms.
2. To keep a register of approved experiments.
3. To notify any conflicts of interest.
4. To provide an annual report to the Environmental Risk management Authority and the Vice-Chancellor.

Constitution

Appointed members

1. The Vice-Chancellor (or nominee), who is chairperson
2. A Biological Safety Officer (BSO) who cannot be chairperson
3. An engineer with experience in testing biological safety facilities and equipment
4. At least one lay person who can consider community interests

5. A microbiologist
6. A molecular biologist and/or a geneticist
7. An ecologist with expertise relevant to the type of organism.

Co-opted Members

8. The Committee has the power to co-opt members with additional expertise for particular purposes.

Note

Roles can be combined and people need only be present when organisms with which they have expertise are being considered.

2000 Membership

Appointed members

1. Associate Professor T G Allan Green (Biological Sciences Dept)
2. Ms R Towers (Biological Sciences Dept)
3. Dr C Fee (Materials and Process Engineering Dept)
4. Councillor B Farrell
5. Dr C Harfoot (Biological Sciences Dept) (alternate Professor Hugh Morgan)
6. Dr C Gemmill (Biological Sciences Dept)
7. Dr B Clarkson (Centre for Biodiversity and Ecology) (alternate Mr K Thompson)

Co-opted Members

8. Ms K Allen (Biological Sciences Dept)
Dr D Musgrave (Biological Sciences Dept)

Students' obligations with respect to research involving GMOs are covered by section 6 of the Student Research Regulations, which are published in full in the University Calendar and which can also be read on the University's web site at <http://calendar.waikato.ac.nz/regulations/general>.

Section 6 of the Student Research Regulations states as follows:

- 6 Research or teaching involving the development of low risk genetically modified organisms (GMOs)
 - (1) A student who intends to use or develop low risk genetically modified organisms (GMOs) must first obtain relevant approvals from the Institutional Biological Safety Committee (IBSC) and, having obtained the relevant approvals, must carry out the activity in an approved designated area.
 - (2) The IBSC, which is located in the Office of Biological Sciences, is established by the Vice-Chancellor in accordance with the requirements of the Hazardous Substances

and New Organisms Act 1996, to act under delegated authority from the Environmental Risk Management Authority (ERMA).

- (3) The IBSC is responsible for
 - (a) ensuring that all approved activities involving GMOs on university premises have been reported to ERMA;
 - (b) ensuring that activities involving GMOs take place in approved designated areas;
 - (c) providing information to students and staff about their responsibilities under the Hazardous Substances and New Organisms Act 1996 and the ERMA Regulations.
- (4) A student engaged in an activity on university premises involving GMOs must comply with any instruction concerning that activity by the IBSC.
- (5) A student who
 - (a) fails to obtain the necessary approvals before engaging in an activity involving GMOs,
 - (b) fails to comply with any conditions attached to the approvals, or
 - (c) fails to comply with an instruction by the IBSC commits misconduct.

A student found to be in breach of these regulations would be subject to the discipline procedures outlined in Part 3 of the Discipline Regulations.

A breach of the requirements relating to GMOs by a staff member would be dealt with under the Staff Code of Conduct.

10 Ethics in Postgraduate Research and Supervision

The *Handbook for Research Degrees of MPhil, PhD and EdD at the University of Waikato*, which is published by the Postgraduate Studies Office, Academic Services Division (located in the Gateway), sets out policies and procedures of importance to postgraduate students relating to registration and enrolment. It also includes information of importance to staff who are involved in the supervision and examination of postgraduate students.

Copies of this Handbook may be obtained from the Manager of the Postgraduate Studies Office. It can also be viewed as a pdf file on the University's web site at <http://www.waikato.ac.nz/asd/pdf/pghandbook.pdf>. Oversight and monitoring of postgraduate policies, standards and procedures, is the responsibility of the Postgraduate Studies Committee. Each Faculty/School of Studies is represented on the Postgraduate Studies Committee, and any questions or issues relating to ethical conduct in postgraduate research, supervision or examination, can be discussed with any of the following members:

2000 Membership of the Postgraduate Studies Committee

Chairperson

Professor MJ Selby (Vice-Chancellor's Office)

Deputy Chairperson

Professor S Middleton (Education Studies Dept)

Faculty of Arts and Social Sciences

Assoc Prof M Foster (Psychology Dept)

School of Computing and Mathematical Sciences

Dr B Bolstad (Statistics Dept)

School of Education

Dr J Strachan (Professional Studies Dept)

School of Law

Professor P Havemann (Law)

Waikato Management School

Assoc Prof S Leitch (Management Communication Dept)

School of Māori and Pacific Development

Assoc Prof W Crombie (School of Māori and Pacific Development)

School of Science and Technology

Professor C Nelson (Earth Sciences Dept)

11 Faculty/School-Based Committees and Processes Concerned with Ethics in Research

The Faculty/Schools of Studies and research units outside the Faculty/Schools of Studies have their own committees with delegated responsibilities associated with the ethical approval and monitoring of research.

Details of these committees are as follows (they are correct as at October 2000):

School of Computing and Mathematical Sciences Ethics Committee

Contact: Professor I Witten

School of Education Ethics Committee

Contact: Dr M Carr

Teaching and Learning Development Unit

Contact: Dr N Haigh

Waikato Management School Ethics Committee

Contact: Dr F Scrimgeour

International Global Change Institute Ethics Committee

Contact: Assoc Prof N Ericksen

Department of Political Science and Public Policy Ethics Committee

Contact: Dr G Cupit

Department of Anthropology Ethics Committee

Contact: Dr K Barber

Department of Geography Ethics Committee

Contact: Dr J Campbell

Department of Psychology Ethics Committee

Contact: Dr J Perrone

Faculty of Arts and Social Sciences Ethics Committee

Contact: Dr A Green

School of Science and Technology Ethics Committee

Contact: Dr L McLeay

Science and Technology Education Research Centre Human Research Ethics Committee

Contact: Dr R Coll

School of Maori and Pacific Development Human
Research Ethics Committee
Contact: Mrs H Puke

School of Law Human Subject Research Ethics
Committee
Contacts: Assoc Prof K Mackinnon
Professor P Havemann

