Nelson Marlborough Institute of Technology
Te Whare Wānanga o Te Tau Ihu o Te Waka a Maui

Controlled Document – Refer to NMIT website or intranet for latest version

NMIT CODE OF ETHICAL CONDUCT FOR RESEARCH

Section	Research		
Approval Date	17.10.2012	**Approved by**	Academic Board
Next Review	27.09.2019	**Responsibility**	Director of Learning, Teaching and Quality
This review	27.09.2017	**Key Evaluation Question**	4

PURPOSE

To ensure students, researchers, research supervisors and NMIT research activities meet accepted ethical standards. The Research and Ethics Committee (R&EC) was established to ensure research, teaching and assessment activities undertaken by staff and students of NMIT are consistent with Section 161 of the Education Act 1989. This Section guarantees the freedom of academic staff to engage in research and to teach and assess students in the manner which they consider best to promote learning. However, it also requires that institutions maintain the highest ethical standards and permit public scrutiny of the maintenance of those standards.

TERMS OF REFERENCE OF THE RESEARCH AND ETHICS COMMITTEE

The NMIT R&EC is a Standing Committee of the Academic Board and is responsible to the Board.

REFER: ACADEMIC BOARD TERMS OF REFERENCE

REFER: RESEARCH AND ETHICS COMMITTEE RESPONSIBILITIES AND AUTHORITIES

STATUS OF THE CODE

The NMIT Code of Ethical Conduct for Research is approved by the Academic Board and administered by the R&EC. All staff and students involved in research are subject to the NMIT Code of Ethical Conduct for Research as a minimum.

SCOPE

For the purpose of gaining ethical approval to undertake research, the NMIT definition of research (as defined in the NMIT Research Policy) is extended to include the following research and teaching activities involving either human participants or tissue:

a) All research involving either the participation of humans, or where the research impacts on individuals, groups or communities. This includes consultancies, contract research, staff research and supervised student research;

b) Any teaching which involves the participation of students for the demonstration of procedures or phenomena, which have a potential for harm;

c) Any evaluation of Institute services, organisational practices or teaching programmes where information of a personal nature may be collected, where participants may be identified, or where the performance of staff may be commented on. This does not include routine organisational quality improvement activities, e.g. academic programme evaluations or service delivery projects but does include activities which have a research component and may lead to publications.

This includes all research undertaken by staff or students of NMIT that will be associated in any way with the name of NMIT, including research undertaken jointly or in collaboration with external people and organisations, and research supervised externally. If ethics approval has been gained from another ethics committee a copy of that decision must be given to the NMIT R&EC.

All research involving animals or animal tissue must be submitted to the NMIT Animal Ethics Committee for approval.

DEFINITIONS

Health Research Council (HRC)	Established under the Health Research Council Act 1990 and is responsible to the Minister of Health. Contributes to maintaining an ethical and safe health research environment.
Human participant or human subject	Any person participating in a research, teaching or evaluation situation as: a) An experimental participant; b) An example of some human characteristic or condition; c) A recipient of any physical, psychological, behavioural or social intervention or manipulation, or; d) A provider of information. Though recognising the variety of descriptions of such persons in different research areas and disciplines, e.g. subjects, clients, patients, informants, this Code uses the term 'participants'. Participant status may also be accorded to organisations and institutions depending upon whether or not the nature of the research gives rise to substantial human participation.
New Zealand Health & Disability Ethics Committee	Funded by the Ministry of Health and responsible to the Health Research Council Ethics Committee. It is accredited by the Health Research Council and is an accredited ethics committee for the purposes of the Accident Compensation Rehabilitation and Insurance Act 1992.
NMIT Animal Ethics Committee	Operates according to the *NMIT Code of Ethical Conduct – Animal Welfare* policy. This Code is pursuant to the Animals Protection (Codes of Ethical Conduct) regulations, 1987 and is approved by the NMIT Academic Board and the Ministry of Primary Industries.

ETHICS CATEGORIES

The R&EC has two categories of application for research involving human participants or human tissue; Category A and Category B. Regardless of the ethical category, researchers must complete a *Research Ethics Application* for evaluation by either the R&EC or the Head of Department (HoD)/ Business Support Team Leader. Category A applications are considered by the Committee; Category B applications must be approved by the HoD on the Committee's behalf before being audited by the Committee. The R&EC have delegated authority to HoDs and Business Support Team Leaders to approve low risk research involving human participants. The Committee will oversee any misunderstanding of the criteria between the categories and clarify any queries.

CATEGORY A:

Any proposal which involves any of the following matters or issues cannot commence without approval from the R&EC, unless another ethics committee accredited by the HRC or the Director-General of Health has

already approved the proposal. In such a case, the researcher or tutor must provide the R&EC with a copy of the approval given by that other committee before the project commences.

A research or teaching proposal is within **Category A** if it involves:

a) Personal information which is identifiable. (not including information such as names, addresses, telephone numbers, or other contact details which are needed for a limited time for practical purposes of the research, but which are destroyed once the details are no longer needed, and is unlinked from research data);
b) The taking or handling of any form of tissue or fluid sample from human participants;
c) Any form of physical or psychological stress to human participants;
d) Situations which might place the safety of participants or researchers at any risk;
e) The administration or restriction of food, fluid or a drug to a human participant;
f) A potential conflict between the applicant's activities as a researcher, clinician or teacher and their interests as a professional or private individual;
g) The participation of minors or other vulnerable individuals;
h) Any form of deception which might threaten an individual's emotional or psychological well-being.

Each project that falls within Category A must submit a *Research Ethics Application* for consideration by the NMIT R&EC . Research must not be undertaken and potential participants must not be approached until approval has been granted.

GENERIC CATEGORY A:

In cases where the requirements of a taught course require each of the students to undertake a project of a particular generic type which involves human participants, and which falls within the criteria of Category A, the programme may submit to the NMIT R&EC a single proposal seeking ethical approval for the generic project.

Once approved, the approval is for three years providing no substantive change is made to the protocol in the interim. Adherence of individual projects to the generic approval criteria is the responsibility of the HoD.

CATEGORY B:

If a proposal does not involve any of the issues raised in Category A, a programme may evaluate the proposal using the principles set out in this document. Researchers should submit a *Research Ethics Application* and inform their Head of Department or Business Support Team Leader for evaluation. HoDs and Business Support Team Leaders must ensure that only persons with an appropriate degree of independence and expertise evaluate proposals. Programmes and teams may only consider proposals that do not fall within Category A.

Every programme and team which considers proposals under this policy must report its decisions, as soon as they have been made, to the R&EC.

EXEMPT PROPOSALS

Proposals involving existing publicly available documents or data (for example, analysis of archival records which are publicly available) do not require approval under this policy, unless they otherwise fall within Category A.

RESPONSIBILITIES UNDER THE CODE

Ethical responsibility rests at all times with the researcher(s). Approval of a research project, publication or presentation, by the R&EC does not release the researcher(s) from ethical responsibility. Researchers may be subject to disciplinary action by the Institute if major ethical problems arise. Misconduct in research is considered to be a very serious matter. If any of these ethical guidelines are not met, the NMIT Misconduct Procedures (Student and Staff) will apply.

REFER STAFF MISCONDUCT PROCEDURE AND STUDENT MISCONDUCT PROCEDURE.

The Code requires that researchers assess the ethical status of their work with colleagues and adhere to appropriate professional and ethical standards. The R&EC must be informed of the research and the ethical considerations that the researcher has taken into account. R&EC may seek advice from a co-opted specialist for recommendations on ethical concerns.

At its discretion, the R&EC can require any proposal be submitted for consideration to the New Zealand Health & Disability Ethics Committee.

Any ethical applications involving animals or animal tissues will be submitted to the NMIT Animal Ethics Committee. The legal responsibilities for working with animals are set out in the Animal Protection Act 1960 and amendments 1962, 1964, 1971, 1978, and 1987, and the Animal Protection (Codes of Ethical Conduct) Regulations 1987.

PRINCIPLES

Ethical principles are general and need to be interpreted before being applied in a context. The following principles will guide those responsible for considering applications for ethical approval. There must be:

a) Research or teaching merit;
b) Participants' informed consent which is given free from any form of coercion;
c) Respect for participants' rights of privacy and confidentiality;
d) Minimisation of the risk of harm;
e) Special care for vulnerable participants;
f) Limitation of, and justification for, any deception;
g) Appropriately qualified supervision;
h) Avoidance of any conflict of interest;
i) Respect for societies and cultures of participants;
j) Freedom to publish the results of research, while maintaining the anonymity of individuals.

APPLICATION OF THE PRINCIPLES

RESEARCH OR TEACHING MERIT

Based on the potential for harm to participants, the R&EC must be satisfied the ethical considerations are congruent with the proposed methodology of the stated research proposal. Applicants must provide objectives and research plans in order to assess the merit of the proposed research. When necessary, the R&EC may seek further advice on a methodology.

Researchers must demonstrate intent to publish or otherwise distribute the findings of their research. This includes making available to participants a comprehensible summary of their findings.

INFORMED CONSENT

Human participation in any research project must be voluntary and based on understanding of adequate and appropriate information. The information provided to gain consent of the participant must:

a) Be adequate and appropriate, using language that prospective participants can understand;
b) Describe any potential discomforts or material risk and explain how such risks will be managed;
c) Explain financial or other costs, including reimbursement, compensation or indemnity arrangements;
d) Include an offer to answer questions, provide assistance in case of distress, and provide contact details;
e) Include how the research results will be made available to the participant.
f) Explain consent must be given voluntarily. There must be no duress, undue influence, or disproportionate inducements. Researchers, whose participants are in any dependent relationship with them, including their students, clients and patients, need to be particularly careful about the possibilities of implicit coercion.

Consent in writing is mandatory, except in minimally intrusive research, such as questionnaires eliciting non-personal information, or where the researcher can provide the R&EC with good reason. In gaining written consent, the questionnaire must contain statements to indicate the following:

a) Potential participants who decline to participate will suffer no adverse effect;
b) Participants are free to withdraw their consent and discontinue participation in the research or teaching activity at any time without disadvantage;
c) In projects using an anonymous questionnaire where written consent is not required, a statement should be included to the effect that completion of the questionnaire implies consent.

Researchers are responsible for the safekeeping of signed consent forms.

RESPECT FOR CONFIDENTIALITY AND PRIVACY

The Privacy Act 1993 must be upheld when working with personal information in research. The researcher is responsible for all information collected during the project including that of individuals, communities and institutions. No participant, group or organisation can be identified without the consent of that participant, group or organisation.

Researchers must recognise it is not possible to give an absolute guarantee of confidentiality where information is being recorded. The researcher should make it absolutely clear to participants they cannot give absolute protection, yet they must be proactive in protecting confidentiality.

Researchers are responsible for keeping information from interception or appropriation by unauthorised persons or for purposes other than the approved research. This will often require storage on secure servers, coding of data and removal and destruction of identifying material from questionnaires and other documents. Hard copies and removable media such as flash drives must be kept secure. All identifying data should be accessible by the researcher or supervisor only and should be destroyed at the end of the project, or participants informed otherwise prior to giving consent.

NMIT staff as researchers are expected to comply with NMIT's *Records Management Policy*.

NMIT staff as supervisors of student research are responsible for ensuring that student researchers comply with the Privacy Act 1993 and for ensuring all research records are kept secure.

Researchers should preserve participants' anonymity and confidentiality in dissemination of the results of the research, except in situations where it has been agreed that the participant will be identifiable.

MINIMISATION OF HARM

It is not acceptable to expose participants to unnecessary harm. Harm includes such things as pain, stress, fatigue, emotional distress, embarrassment, cultural dissonance and exploitation. Researchers should make every attempt to identify and minimise such harm, be it physical, psychological, social or economic. As well, publication of research results has the potential to harm groups, communities and institutions. Researchers must be aware of this in writing up and publishing results.

For Māori, minimisation of harm includes additional categories of minimising harm to Whānau (family and community), hinengaro (emotional well-being and state of mind), wairua (spirit), and tinana (the body or physical self).

Unavoidable risk of harm, including inconvenience and discomfort to participants, will be balanced against possible benefit to the participants and the community. In judging the ethical acceptability of research, an element of risk in research may be acceptable where:

a) Participants have given informed consent;
b) Benefits to the public good outweigh the harm;
c) The risks are necessary for the research to succeed and they are minimised.

In some research projects, there is a possibility of harm to the researcher. This should be recognised and minimised. In particular, consideration should be given to safety factors when interviewing alone.

While NMIT is committed to the concept of academic freedom in research, the risks involved in research must be assessed and managed appropriately in order to protect the reputation of the institution.

VULNERABLE PARTICIPANTS

Informed consent processes may need to take account of vulnerable participants. Those considered to be vulnerable include children, prisoners, and people with a mental illness, altered state of consciousness or intellectual disability. Where the vulnerable participant is not competent to give consent, proxy consent must be sought from a person legally representing the person's interests. In the case of children, consent must come from both the child's legal guardian and the child where appropriate. The vulnerable person's decision not to participate has priority over any other valid proxy consent.

LIMITATION OF DECEPTION

Deception of participants is not congruent with the principle of informed consent. For this reason, the R&EC will only consider, for approval, research projects where the impact of the deception is minimal and the potential knowledge to be gained is significant with no other less deceptive means available.

Participants must be debriefed as soon as possible, including full information about the reasons for the deception and the true purpose of the project. Participants must be able to withdraw their data and participation at this stage. Researchers must identify how they will provide support to participants following the project should any stress, harm or other concern arise.

QUALIFIED SUPERVISION

Appropriately qualified personnel must supervise research or teaching involving human participants.

CONFLICT OF INTEREST

Generally, applicants must avoid any project that puts them in a position where their activities as a researcher, or teacher might come into conflict with their interests as a professional or private individual. Applicants must explain to the R&EC the nature of any potential conflict, and what actions if any they propose to take to minimise, avoid or resolve the conflict.

CULTURAL AND SOCIAL SENSITIVITY

Researchers and teachers must ensure that their actions are appropriately sensitive to participants' cultural and social frameworks. Researchers must discuss the issues relating to Māori cultural and ethical values by consultation with the Whānau, hapū or iwi concerned.

PUBLICATION OF RESULTS

Participants may not attempt to prevent or limit the researcher's right to publish the results of the research. This right of publication is qualified by the need to ensure appropriate preservation of participants' anonymity and to report results accurately. Where possible, researchers must convey findings to participants in a form comprehensible to them.

OTHER ISSUES

STUDENT RESEARCH

Staff members responsible for supervising or coordinating student research projects are also responsible for ensuring that ethical standards are met. Supervising staff members are required to obtain ethical consent on behalf of students when required and provide the necessary supervision to ensure ethical standards are upheld by students. Students are expected to behave in a professional manner and maintain adequate contact with their supervisor to ensure competent work.

INTELLECTUAL PROPERTY

It is advised authorship rights and ownership be established before commencing the research. Concerns or disputes regarding ownership of research will be brought to the R&EC for mediation.

Intellectual property legislation, particularly the Copyright Act 1994 together with established common law principles, determine that intellectual property generated by employees during the normal course of employment is the property of the employer, subject to any agreement to the contrary. For Institute employees, therefore, the test of ownership is whether that property was created in the normal course of their employment.

However, to encourage the development of intellectual property, NMIT agrees to waive its rights to that property in the following cases, (unless varied in terms of an express contract between NMIT and an individual staff member):

- Publications (including books, text-books, articles in journals or conference proceedings or other collections, research reports, book reviews, published lectures and exhibition catalogues) provided that:

  NMIT is appropriately acknowledged; and

  NMIT has the right to use such publications for teaching, research, consultancy or administrative activities, unless excluded by copyright agreement with the publisher.

In general, all intellectual property generated by students belongs to them, unless there is an express contract to the contrary.

In the case of intellectual property developed jointly between a student and staff member where the activities of the staff member are within the normal course of employment, the student and NMIT would be joint owners of the intellectual property. Where publications are jointly authored by students and staff, the owners of the copyright would be the authors, unless there is an express contract to the contrary.

REFER INTELLECTUAL PROPERTY POLICY

TREATY OF WAITANGI

Research proposals must incorporate, where appropriate, the spirit of the Treaty of Waitangi. This means that all parties involved in the research project must respect the principles of partnership and sharing implicit in the

Treaty. If researchers are drawing comparisons between Māori and non-Māori or if the nature of the project is such that there are clear potential implications of direct interest to Māori the R&EC asks researchers to provide evidence that the consultation process has been undertaken.

CODES ESTABLISHED BY PROFESSIONAL ASSOCIATIONS

Research proposals must also conform to any other relevant professional codes relating to research. Where there is any inconsistency between the NMIT Code of Ethical Conduct for Research and a professional code, the researcher must advise the R&EC of the inconsistency, and the Committee shall determine what is to apply.

RE-USE OF SAMPLES/DATA

Samples and/or data cannot be re-used in a new research project without going back to the participants for their informed consent. Where it is impossible to do this, approval for the use of de-identified samples or data will be undertaken by the R&EC on a case-by-case basis.

COMPENSATION OF PARTICIPANTS

Researchers may wish to reimburse participants for expenses incurred as a result of participation. These expenses may include opportunity costs, such as time, or other costs, such as for travel. The case for payment of opportunity costs for participation in the research is less clear and some guidelines are detailed below:

a) The payment must in general apply to all participants;
b) The level of, and reason for, the payments should be clearly spelt out in the application, and information sheet;
c) At the onset of the project, researchers should make clear to participants their absolute right to withdraw from research, irrespective of whether or not payment is involved;
d) Payments to participants must not be used either as an inducement to participate in research or to encourage participants to undertake dangerous or harmful acts which they would not perform in their normal lifestyle;
e) Payments to children must not be made without prior approval from their parents or guardians.

PROPERTY RIGHTS

Processes of research and publication must not violate or infringe personal, legal or culturally determined property rights. These may cover such things as land and goods, works of art and craft, spiritual treasures, information and works of the intellect.

RESEARCH INVOLVING CHILDREN

Anyone 15 years old or younger is deemed to be a child. Where research involves children there should be a specific and demonstrable need to perform the research on children and where no other reasonable route to the relevant knowledge is available. A prime consideration in any research involving children is that the research is not against the interest of any individual child participant.

RESEARCH INVOLVING ANIMAL SUBJECTS

Proposals for research and teaching involving animals must be submitted to the NMIT Animal Ethics Committee for approval before being considered for approval by the R&EC. All staff and students involved in research involving animals are subject to the *NMIT Code of Ethical Conduct – Animal Welfare*, as a minimum.

REFERENCES

NMIT Academic Statute
NMIT Research Policy
NMIT Code of Ethical Conduct – Animal Welfare
Approval and Publication of Research
Intellectual Property Policy
Staff Misconduct Procedure
Student Misconduct Procedure
Records Management Policy
Research site on Intranet

FORMS

See Research site on Intranet

EXTERNAL REFERENCES

Privacy Act 1993

Guidelines for researchers and applications forms are available from:

Health and Disability Ethics Committee
Postal address:
Ministry of Health
Health and Disability Ethics Committees
PO Box 5013
Wellington 6140

Street address:
133 Molesworth Street
Thorndon
Wellington 6011

Web: http://www.ethics.health.govt.nz/
Email: hdecs@moh.govt.nz
Phone: 0800 4 38442

CONTACTS

Research and Innovation Manager
Chair, NMIT Research and Ethics Committee
Chair, NMIT Animal Ethics Committee

ACKNOWLEDGEMENTS

We wish to thank UNITEC, Otago Polytechnic, The University of Otago and Massey University for providing us with their ethics documents, advice and assistance.