
Human Ethics Policy

Research Policy Group

1 Purpose

The purpose of the Victoria University of Wellington (VUW) Human Ethics Policy is to ensure that all University research and relevant teaching activities (see Section 3 for definitions) involving human participants conform to ethical standards. Such standards are distinct from legal requirements, though ideally the law should reflect what is ethically right and good. Ethical standards are evolving, not fixed; they are grounded in our best current understanding of the fundamental rights, responsibilities, and interrelationships of human beings.

This Policy is administered primarily by the Victoria University Human Ethics Committee (HEC), established by the University Council in 1990. This function may be delegated, under supervision to a subcommittee in a faculty, school, or group, or to a head of school. The delegated authority carries the responsibility for compliance with this Policy by staff and students within the faculty, school or group.

Victoria University recognises that individual researchers and teachers, working in and familiar with their own disciplines, are generally in the best position to assess the ethical implications of their proposed activity. Nevertheless, to ensure consistency and impartiality in considering the interests of potential participants, as well as to provide protection for the researcher or teacher, research and teaching involving human participants must be approved by the HEC in accordance with this Policy before being conducted.

2 Organisational Scope

This is a University-wide policy, applying to all staff and students within the University community conducting research with human participants. The policy also applies to Adjunct and Visiting staff who are appointed under the Adjunct and Visiting Staff Policy and any research conducted by an outside agency at the request or under the auspices of the University.

Researchers and teachers within the University community are responsible for ensuring that they are in compliance with all procedures related to ethical standards. Those supervising projects that involve human participants, and those coordinating courses where teaching activities involve research with human participants, are responsible for compliance with this policy. Supervisors/coordinators are also responsible for the research and relevant teaching activities of their supervisees. In particular, supervisors/coordinators must ensure that HEC approval is granted (or that the research project has been evaluated through a recognised process of the HEC and judged to be low risk) before supervisees commence any research-related data collection.

The Committee may give approval for both teaching and research activities for up to three years at its discretion. The Committee may also require progress reports, including a final report, on any research project.

3 Definitions

For purposes of this policy, unless otherwise stated, the following definitions shall apply:

Anonymous Research The identity of the research participants is not known to anyone involved in the research. It is not possible for the researchers to identify whether people took part in the research, or to subsequently identify those who took part (e.g., by recognising them in different settings by their appearance, or being able to identify them retrospectively by their appearance, or because of the distinctiveness of the information they were asked to provide).

Audit: An investigation into whether an activity meets explicit standards, as defined in an auditing document, for the purpose of checking and improving the activity audited. Audit involves examining practice and outcomes in a particular time and place to see whether they conform with expectations, with a view to informing and improving management rather than adding to general knowledge.

CAD: Victoria University Centre for Academic Development

Confidential Research: A party or parties involved in the research are able to identify the participants but do not reveal their identity to anyone other than those involved in conducting the research. Further, the researchers take reasonable precautions to ensure that participants' identities cannot be linked to their responses in the future.

HDEC: Health and Disability Ethics Committee

Health and Disability Research:

For the purpose of the Health and Disability Ethics Committees, health and disability research is research that aims to generate knowledge for the purpose of improving health and independence outcomes. There are two main types of health and disability research: intervention studies and observational studies. An 'intervention study' is a study in which the investigator controls and studies the intervention(s) provided to participants for the purpose of adding to knowledge of the health effects of the intervention(s). The term 'intervention study' is often used interchangeably with the terms 'experimental study' and 'clinical trial'. All health and disability research that is not an intervention study is an observational study. Like intervention studies, observational studies may involve looking at the health effects of interventions provided to human participants. However, researchers in such an observational study do not control these interventions, which would have been provided regardless of participation in the study.

Head: Any head of a school, research centre, institute, or group, or any manager of a University administrative unit, or a nominee of the head or manager.

HEC:	The University Human Ethics Committee
HEC Approval:	Approval granted by the Human Ethics Committee and delegated subcommittees to proceed with research involving human participants.
HEC Standing Committee:	The internal members of the University Human Ethics Committee.
HRC:	Health Research Council
Participant:	Any individual or group subjected to experimental procedures or participating in research as client, informant or otherwise, whether that individual or group is involved knowingly or otherwise (sometimes referred to as 'human participant').
Personal Information:	Information about an identifiable individual.
Publicly Available Information:	Information that is public or is available to the public.
Research:	<p>Any research involving human participants or human tissue conducted:</p> <ul style="list-style-type: none"> (a) by a student or employee of the University in the course of their study or employment with the University, including research projects carried out by students as part of course requirements and surveys or questionnaires undertaken by the University administration or student services concerning purely organisational practices; or (b) within the precincts of the University; or (c) under the auspices of VicLink; or (d) by an outside agency at the request or under the auspices of the University. <p>(See also Teaching Activity.)</p>
Sensitive Information:	<p>Private information that could, if it is made public, offend, cause commercial damage or unduly embarrass the research participant or their family, friends, or employer. It might be factual information or opinion about a sensitive topic. Thus, it includes information about family or employment problems or relationships, illness or disability, personal income, sexual practices, drug taking, illegal activities, and commercial information supplied in confidence.</p> <p>The above description should not be considered to be definitive, however, as much depends upon the context of the particular research and the participants in that research. For instance, to ask school children about their parents' employment is sensitive; whereas to ask an employee for details about their specific role in an organisation is usually not.</p>

Teaching Activity:

Teaching activity in this Policy refers only to any teaching activity overseen by an employee or contractor of Victoria University of Wellington which requires the participation of students in teaching exercises, laboratory exercises, training sessions, or student projects affecting people's privacy, rights and freedoms. This does not include teaching activities such as those which require students to answer questions in class or written assignments as part of their University studies, unless they involve accessing sensitive information not publicly available.

4 Policy Content and Guidelines

4.1 *Guiding Principles for Approval*

Ethical principles are by their nature general. They should not be confused with specific ethical rules that may prescribe or prohibit certain behaviour. Such principles are also context-sensitive, and their proper interpretation and application invariably requires the good judgment of the Committee in approvals. This said, in considering applications for ethical approval, the HEC will be guided by the following principles:

- (a) Respect and care for persons;
- (b) Acknowledgement of the Treaty of Waitangi;
- (c) Respect and care for social and cultural contexts;
- (d) Respect and care for the natural environment;
- (e) Research and teaching merit;
- (f) Avoidance of conflict of interest.

4.2 *Application of Principles*

4.2.1 **Respect and care for persons**

This principle involves recognizing and respecting the inherent autonomy and dignity of each individual.

- (a) Informed consent free of coercion.

Individuals have the fundamental right to decide whether they wish to participate in research. If they decide to participate, they have the right to withdraw their participation. At the time of informing potential participants about the research it should be made clear at what point in the research process it is no longer possible to withdraw participation, for example, once data analysis has started. The participants need not provide reasons, either for not participating or for discontinuing their participation. In short, an individual's participation in research must at all times be obtained through voluntary and informed consent, free of any hint of coercion

- (b) Minimisation of harm to participants, groups or communities.

It is unacceptable to expose participants or third parties to unnecessary harm. Harm includes such things as pain, stress, fatigue, emotional distress, undue embarrassment, cultural dissonance and exploitation. Any level of harm to participants must be balanced against the potential benefit, to the participants and/or to society, and the importance of the knowledge to be gained from the research.

- (c) Limitation of deception.

Where a project involves a measure of deception, any departure from the standard of fully informed consent must be acceptable when measured against potential benefits and the importance of the knowledge to be gained. Wherever possible, projects involving a measure of deception should incorporate an appropriate 'de-briefing' of the participants after the project has been completed.

- (d) Special care of potentially vulnerable participants.

Special care must be taken of people who may be vulnerable due to lack of power, knowledge or competence in research contexts and processes, for example, young children, people with mental health issues, people with learning disabilities, the socially disadvantaged, and prisoners.

- (e) Respect for property rights, including intellectual property.

Researchers should respect the property of others. This extends to their legal rights to land, goods, and intellectual property (including confidential information, copyright, trademarks, patents, and design rights) as well as the spiritual treasures or culturally sensitive data of a particular group.

Copyright law automatically protects most original works, whether or not it is described as being copyright. Works that might be copyright include offline and online creative and written works, arts and crafts, photographs, music etc. The Copyright Act 1994 also protects performers' rights and moral rights. For further information about intellectual property rights please consult the Intellectual Property Office of New Zealand: <http://www.iponz.govt.nz>. Respect for property includes ensuring researchers do not plagiarise the work of others by presenting this work as their own, without an attribution appropriate for the medium of presentation, or by omitting reference to the relevant published work of others.

- (f) Minimisation of harm to researcher.

It is important to ensure the safety of the researcher, and those assisting them, as well as the participants. Care should be taken to ensure that the researcher is protected from risk of physical harm, from risk of possible litigation, and from any emotional stress or distress that might result from inadequate preparation for unsolicited disclosures by participants.

- (g) Minimisation of harm to the University.

Victoria University of Wellington is committed to the concept of academic freedom in research. At the same time, researchers are required to assess and appropriately manage the risks involved in research in order to protect the reputation of the University.

4.2.2 Acknowledgement of the Treaty of Waitangi

Researchers have a responsibility to ensure that their research conforms to the University's Treaty of Waitangi Statute. As researchers in Aotearoa New Zealand, the Treaty principles of partnership, protection and participation should underpin our research relationships.

- (a) Partnership – where research involves or includes Māori, researchers should work with hapu, iwi and other Māori communities – including Māori academic colleagues and bodies such as Toi huarewa – in designing their research. Where appropriate, researchers may need to consult with local tangata whenua (e.g., Te Atiawa, Ngāti Toa).
- (b) Protection – researchers should ensure that their research actively protects individual and collective Māori rights, especially in relation to cultural and intellectual property.

- (c) Participation – where research involves Māori participants, Māori should be involved in the design, management, analysis and outcomes of the research. Where consultation stands in for involvement, the value of the knowledge shared by the consulted parties should be recognised.
- (d) Practice – for research involving Māori, researchers should provide space for Māori research practices, the use of te reo Māori, Māori methodologies and Māori ways of knowing and being.

4.2.3 Respect and care for social and cultural contexts

Researchers have a responsibility to be sensitive to significant social and/or cultural practices of the communities to which individual participants may belong.

4.2.4 Respect and care for the natural environment

- (a) Researchers have a responsibility to consider the environmental impact of their work.
- (b) It is important to be able to locate research projects within wider biophysical contexts, acknowledging the interrelationship of all peoples with each other, through the shared use of our global commons. Researchers must not engage in research that condones restricting people's access to those commons necessary for life (air, water, sunshine, access to outdoor spaces), and which would thus infringe their personal liberties.
- (c) Researchers have a responsibility to ensure that their research complies with the principles set out in the University Environmental Policy, including a commitment to sustainability and the reduction of the University's environmental footprint.
- (d) As far as possible, researchers should ensure that their research results in no harm to future generations, our shared commons, non-human species or ecosystems.

4.2.5 Research and teaching merit

All proposed research must meet minimum academic standards. In particular:

- (a) The project must have clear goals.
- (b) Its design must make it possible to meet those goals.
- (c) The researcher/supervisor must have appropriate qualifications and/or expertise to conduct and supervise the research.
- (d) The benefits of the research are clear.

4.2.6 Managing of dual and multiple roles/relationships, and conflicts of interest

- (a) Researchers should ensure that the roles they occupy and relationships they have with the people who are invited to take part in their research do not compromise the participant's ability to freely consent or decline to take part in that research. Reassurance from the researcher about the independence of research participation from these other roles and relationships may not sufficiently address the concerns of potential participants. Perceptions of possible adverse consequences to either accepting or declining participation are particularly likely when a pre-existing role or relationship leads the research participant to be dependent on the researcher in some way (e.g., when the participant is a student for whom the researcher is a teacher with an assessment role).

- (b) Researchers should be aware that their personal or professional interests (e.g., financial) may conflict – or lead others to perceive a conflict – with their ability to conduct research in an objective and professional manner.
- (c) Researchers should design their research and relevant teaching activities so that they are not in a position where their activities as a researcher (or teacher, in the case of teaching applications) could (a) conflict with other professional or personal interests they may have, and (b) have them recruiting participants with whom they have pre-existing personal or professional relationships in which the participant could view themselves as being dependent on the researcher in any way (material, emotional, financial etc.).
- (d) Even where no perception of dependence is likely to exist, researchers should avoid wherever practicable recruiting participants with whom they have an existing relationship.

4.3 Research and Teaching Activities Which Require Ethical Approval

- (a) With the exception of those activities listed in section 4.4, no research or teaching activity involving human participants, human tissue or otherwise affecting people's privacy, rights and freedoms may proceed without approval under this policy. It is the responsibility of course organisers, principal researchers and research supervisors to ensure that HEC approval has been obtained where required, and to ensure compliance with the conditions of the approval. Research students are expected to make their own applications for ethical approval after consultation with their academic supervisors.
- (b) Approval is required for research and teaching activities which involve access to personal identifying information not already publicly available. Where access to personal information located outside the University has been granted by an agency holding the information, an application for ethical approval is still necessary.
- (c) Approval is required for research and other activities involving questionnaires and surveys conducted within and outside the University, including those where the participants are anonymous.
- (d) The principles and procedures presented here apply specifically to research and teaching activities with adult human participants and human tissue. In general, the same principles apply where children or other dependent people are the participants. However, their participation demands additional ethical considerations, as does research with older people and members of non-dominant groups or cultures. Researchers who involve children or other special groups in their work should seek the advice of the HEC in relation to these additional considerations and procedures.
- (e) Independent bodies associated with the University (e.g. some hostels) may make an application to the HEC, which may at its discretion give ethical advice to the applicant.

4.4 Research and Teaching Activities Which Do Not Require Ethical Approval

At the start of any research that involves human participants, it is always important for researchers to consider whether ethical approval is required. The following should be read in that light.

Ethical approval is not required for:

- (a) Exploratory research consisting solely of preliminary interaction or discussion where the exact research aims have not yet been formulated. If a researcher later wishes to use data collected at an exploratory stage, retrospective HEC approval and the consent of participants should be obtained to use the data.

- (b) Research in which the investigator is the sole participant of their own research, and where no physically or emotionally hazardous procedure is involved. If the investigator is a participant in their own research it is expected that there is no reference to any other participants or third parties. If other participants or third parties are referred to in the research, ethical approval must be obtained.
- (c) Some interviews which merely seek non-sensitive factual information (e.g. requests for statistical information or information about services from public agencies).
- (d) Research involving existing publicly available documents or information (e.g. analysis of public archival records).
- (e) Informal discussions with colleagues, family and friends, as a contribution to a class discussion or project, where no formal publication of the data is intended. Any later publication would require retrospective approval and the use of an informed consent process.

4.5 The Functions of Schools and Groups in the Ethics Consideration Procedure and Delegation of Responsibility

- (a) All University schools and groups (such as research centres or institutes) must have in place procedures for considering ethical issues relating to research projects and teaching activities. The formal responsibility for ensuring that a process for ethical approval is available to staff and students rests with the head of the school or the group concerned.
- (b) If the number of applications from a group or school are small they should be sent to the HEC. Where the level of cases is sufficiently high, a faculty, school, or group may be given permission by the HEC to establish its own ethics subcommittee. The policies, procedures and guidelines of such ethics subcommittees must conform to the HEC Policy and must be approved by the HEC. Where such approval has been given, the HEC may delegate the review and approval of projects to the approved ethics subcommittee. Such subcommittees must include at least three staff members who are representative of different programmes within a school, or schools within a faculty, and one member of the HEC in their membership. The committees should also include a student. The student is only to be involved in reviewing research and teaching activity applications that involve students. The process for determining how members are appointed to these subcommittees should be decided by the head of school or group concerned. The convener of these delegated committees should send the names of members who are appointed to the committees to the Convener of HEC for noting and approval.
- (c) The formal responsibility for checking that projects are completed on time or that documents are destroyed as agreed with participants when ethical approval was originally given lies with the Convener of HEC, although this responsibility may be delegated to the Administrator of the HEC.
- (d) An ethics committee acting under delegated authority must refer any case which raises novel or particularly difficult ethical issues to the HEC for a decision. The representative of the HEC on the approved ethics committee has particular responsibility for ensuring that cases involving such issues are forwarded to the HEC for approval.
- (e) An applicant who is dissatisfied with the decision of an approved ethics committee may appeal in writing to the HEC for a second opinion (see Section 4.7).

Note: Schools and groups may develop their own additional guidelines which are specific to the research and teaching of those schools and groups as long as they are consistent with this Policy.

Where it is appropriate, the adoption of ethical guidelines developed by relevant professional organisations is encouraged.

4.6 Ethics Approval for Health and Disability Research

4.6.1 Research requiring approval from a Health and Disability Ethics Committee (HDEC)

Whenever health and disability research is undertaken the researcher should consider which ethics committee should review the research. The scope of the Health and Disability Ethics Committees (HDEC) is set out in the Ministry of Health Standard Operating Procedures for HDECS (<http://ethics.health.govt.nz/operating-procedures>) and should be referred to by researchers.

Health and disability research requires HDEC review only if it involves one or more of the following:

- (a) **Human participants** recruited in their capacity as:
 - (i) Consumers of health or disability support services, or
 - (ii) Relatives or caregivers of consumers of health or disability support services, or
 - (iii) Volunteers in clinical trials (including, for the avoidance of doubt, bioequivalence and bioavailability studies).
- (b) The use, collection or storage of **human tissue** (as defined by the [Human Tissue Act 2008](#)), unless:
 - (i) Informed consent (which may include informed consent to future unspecified research) has been obtained for such use, and tissue will not be made available to researchers in a form that could reasonably be expected to identify the individual(s) concerned, or
 - (ii) One or more of the statutory exceptions to the need to gain informed consent set out at section 20(f) of the [Human Tissue Act 2008](#) (or Right 7(10)(c) of the [Code of Health and Disability Services Consumers' Rights 1996](#)) applies.
- (c) The use or disclosure of **health information** (as defined by the [Health Information Privacy Code 1994](#)), unless:
 - (i) This use or disclosure has been authorised by the individual(s) concerned, or
 - (ii) Would allow for the information to be matched with other data sets (e.g., through the use of non-encrypted identifiers such as National Health Index Numbers).

4.6.2 Rationale for HDEC approval

Approval for an HDEC is necessary in the above situations for the following reasons:

- (a) The HEC is not accredited to approve this type of research.
- (b) For legal reasons (the effect of the [Accident Compensation Act 2001](#)).
- (c) To ensure that University procedures meet the requirements of funding agencies and agencies granting access to data.

4.6.3 Administration of HDEC applications

- (a) A copy of applications requiring approval from an HDEC must be sent to the Administrator of the HEC.

- (b) These applications must be submitted on the relevant HDEC online application form (which differs from the HEC application form).
- (c) The applicant is responsible for ensuring the applications are submitted to the appropriate committees.
- (d) Where University staff receive advice from an HDEC or equivalent ethics committee, this advice must be communicated by the applicant to the Administrator of the University HEC.

4.7 Appeals

- (a) Where an applicant is dissatisfied with the decision of a convener of a committee with delegated authority from the HEC, the applicant may appeal to the HEC Standing Committee. A decision of the Standing Committee may be appealed to the full HEC.
- (b) An appeal to the HEC may also be lodged by any other person, including research participants, researchers, supervisors, or members of the public.
- (c) Any person or body dissatisfied with a decision of the HEC may seek a second opinion directly from the Health Research Council (HRC) Ethics Committee as described in the HRC Accreditation Guidelines and the Ministry of Health Standard Operating Procedures for Ethics Committees. Following receipt of this independent advice from the HRC Ethics Committee, the Victoria University HEC then makes a final decision.
- (d) The HEC itself may also seek a second opinion from the HRC Ethics Committee.
- (e) If the HEC becomes aware through an appeal that there is the likelihood of harm occurring to participants, the HEC may suspend approval of an application while an appeal is considered. During the period of suspension, no research involving human participants, as set out in the ethics application, may be conducted. The grounds for the suspension must be communicated in writing to the applicant and the complainant.
- (f) Complainants will be kept informed about the progress of their complaint and will be informed in writing about the outcome.

4.8 Sanctions

Where University employees fail to obtain ethical approval when such approval is required or where they act contrary to the decision of a body authorised to consider applications for ethical approval, the matter may amount to misconduct and be dealt with under the University's Conduct Policy for Staff. Where a student has engaged in an unethical activity, the matter should be dealt with by the head of the school in the first instance. In serious cases, the misconduct provisions of the University's Statute on Student Conduct or the Assessment Statute may be used.

4.9 Insurance Cover

The University retains insurance cover against claims relating to harm, loss or damage suffered by participants in research projects as a result of any negligent act, error or omission by or on behalf of the University. Where relevant, (e.g., for research involving human tissue), these words must be incorporated into consent forms. Where a person suffers personal injury as a result of medical error or medical mishap during a clinical trial in the University, the injury will be considered for coverage under the accident compensation scheme, if the trial has had HEC approval.

5 Legislative Compliance

The University is required to manage its policy documentation within a legislative framework. The legislation directing this policy is the:

[Copyright Act 1994](#)

[Health Research Council Act 1990](#)

[Accident Compensation Act 2001](#)

[Official Information Act 1982](#)

[Privacy Act 1993](#)

6 References

Any Assessment Statute

[Conduct Policy](#)

[Conflict of Interest Statute](#)

[Environmental Policy](#)

[Fraud Policy](#)

[Ministry of Health Standard Operating Procedures for Health and Disability Ethics Committees](#)

[HRC 'Guidelines on Ethics in Health Research'](#)

[Student Conduct Statute](#)

[Centre for Academic Development](#)

[University Treaty of Waitangi Statute](#)

7 Appendices

[Appendix A: Human Ethics Committee Guidelines](#)

[Appendix B: Sample Consent Form and Information Sheet](#)

[Appendix C: Transcribing Confidentiality Form](#)

[Appendix D: The Privacy Act 1993 – A Brief Summary](#)

8 Approval Agency

Vice-Chancellor

9 Policy Sponsor

Provost

10 Contact Person

The following person may be approached on a routine basis in relation to this policy:

Convener, Victoria University Human Ethics Committee

Ext. 5480