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

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NMIT CODE OF ETHICAL CONDUCT FOR RESEARCH

Section	Research		
Approval Date	19.01.2022	**Approved by**	Academic Committee
Next Review	14.12.2023	**Responsibility**	Executive Director: Ōritetanga, Teaching and Learners
This review	14.12.2021	**Key Evaluation Question**	4

PURPOSE

To ensure students, researchers, research supervisors and NMIT research activities meet accepted ethical standards and reflects Te Tiriti o Waitangi partnerships. The Research and Ethics Committee (R&EC) ensures that research, teaching and assessment activities undertaken by staff and students of NMIT are consistent with Section 318 of the Education and Training Act 2020. 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. 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 Committee and is responsible to the Academic Committee.

See: Academic Committee Terms of Reference – Section 6 Academic Statute

STATUS OF THE CODE

The NMIT Code of Ethical Conduct for Research is approved by the Academic Committee and administered by the R&EC. This code sets out the ethical requirements that all NMIT staff and students must meet when undertaking research. The code applies whether or not research activities require review by an ethics committee.

The key objectives of the Code are to:

- safeguard the rights and interests of participants in research
- promote high-quality ethical research for social, cultural and economic wellbeing
- reflect the principles outlined in NMIT's Treaty of Waitangi policy
- foster awareness of ethical principles and practices among researchers and the wider community
- help researchers think through and take responsibility for the ethical issues in their studies
- help researchers give due consideration to local and national community views and perspectives
- support the consistent ethical review of research
- protect and reassure communities

See: Treaty of Waitangi policy

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 human 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 personal information 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 audits or 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.

RESEARCH ETHICS IN THE AOTEAROA NEW ZEALAND CONTEXT

Aotearoa New Zealand is a culturally diverse country. Researchers must consider cultural viewpoints to ensure their research reflects the context and perspective of the society in which it occurs, to respect participants and to ensure that evidence generated from health research is effectively implemented.

Māori, as the indigenous people of New Zealand, and the Crown are signatories to Te Tiriti o Waitangi/The Treaty of Waitangi, which sets the foundation for the enduring relationship between Māori and the Crown as equal partners. The Government – representing the Crown – continues to respond to its obligations to honour the Treaty relationship. Māori seek to overcome the particular challenges they still face in the postcolonial context, and participate equally in the partnership defined by the Treaty.

Three principles derived from the Treaty of Waitangi, rangatiratanga (partnership), whai wahi (participation) and kaitiakitanga (protection) should inform the interface between Māori and research (Royal Commission on Social Policy 1988):

1. Rangatiratanga: researchers, iwi, hapū, whānau and Māori communities working together to ensure Māori individual and collective rights are respected and protected
2. Whai wahi: involving Māori in the design, governance, management, implementation and analysis of research, especially research involving Māori
3. Kaitiakitanga: actively protecting Māori individual and collective rights, Māori data, Māori culture, cultural concepts, values, norms, practices and language in the research process.

While the above principles apply specifically to research with Māori, they are also generally applicable to research with all peoples. Te Tiriti o Waitangi-based partnership provides an opportunity to design together an advanced research ethics platform that encompasses two world ethical views: that of western ethics and that of tikanga Māori (Māori ethics).

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.
Health Research Council Ethics Committee (HRCEC)	Provides advice on health research ethical issues and the ethical review process.
Human participant	Any person participating in a research, teaching or evaluation situation as: a) A participant in an experimental or control setting; 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 (HDEC)	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 for the use of animals for research, testing and teaching*. This Code is pursuant to the Animal Welfare (care and protection) Act 1999 and is approved by the NMIT Academic Committee and the Ministry for 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 the R&EC. In the case of low-risk (Category B) research conducted by students, the R&EC have delegated authority to CMs and Business Support Managers or relevant tutor with appropriate skills and knowledge.

Regardless of the ethical category, research cannot commence and potential participants cannot be approached without approval from the R&EC, unless another ethics committee (accredited by the HRC or the Director-General of Health or the New Zealand Ethics Committee) 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.

Once approved, R&EC 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 Curriculum Manager.

CATEGORY A

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.

CATEGORY B

If a proposal involves either the participation of humans or where the research impacts on individuals, groups or communities, but does not involve any of the issues raised in Category A, the research proposal may be evaluated using the principles set out in this document. Researchers should submit a *Research Ethics Application* to the R&EC and inform their Curriculum Manager or Business Support Manager. For student research involving human participants, see Student Research section below.

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.

ANIMALS OR ANIMAL TISSUE

Proposals for research or teaching involving animal subjects or animal tissue must be submitted to the NMIT Animal Ethics Committee for approval. A proposal for teaching or research involving both human participants **and** animal tissue or subjects requires separate approvals from the NMIT Animal Ethics Committee and the NMIT R&EC (in that order).

RESPONSIBILITIES UNDER THE CODE

Ethical responsibility rests at all times with the researcher(s). This code sets out the ethical requirements that all NMIT staff and students must meet when undertaking research. The code applies whether or not research activities require review by an ethics committee. 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 Misconduct Procedure*** and ***Staff Misconduct Procedure***) will apply.

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 Welfare Act 1999, and the NMIT Animal Ethics Committee operates under the NMIT Code of ethical conduct for the use of animals for research, testing and teaching. Any ethical applications including both animal (tissues) and human (tissues) will be submitted first to the NMIT Animal Ethics Committee, and then to the R&EC.

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) Acknowledgement and reflection of Te Tiriti o Waitangi;
d) Respect for societies and cultures of participants;
e) Respect for participants' rights of privacy and confidentiality;
f) Minimisation of the risk of harm; to the participant, researcher and NMIT
g) Special care for vulnerable participants;
h) Limitation of, and justification for, any deception;
i) Appropriately qualified supervision;
j) Avoidance of any conflict of interest;
k) Freedom to publish the results of research, while maintaining the anonymity of individuals.

APPLICATION OF THE PRINCIPLES

A) 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.

B) INFORMED CONSENT

Researchers must gain participants' prior, free and explicit and informed consent in a culturally and socially appropriate manner. 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:

i) Potential participants who decline to participate will suffer no adverse effect;
ii) Participants are free to withdraw their consent and discontinue participation in the research or teaching activity at any time without disadvantage;
iii) 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 conducting surveys on-line must obtain explicit consent from the participants, even when collecting signatures is not feasible. Implied consent, where participants do not explicitly consent to participate by signature or by virtue of completing the survey is NOT permitted. Explicit consent can be achieved in an on-line survey by including the above necessary elements of consent and a "checkbox" function whereby participants can click on the box indicating they agree to participate.

C) TREATY OF WAITANGI

Research proposals must incorporate and reflect Te Tiriti o Waitangi partnerships (see Research Ethics in the Aotearoa New Zealand context above). 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 (see D below) has been undertaken.

D) CULTURAL AND SOCIAL SENSITIVITY (INCLUDING RESEARCH CONSULTATION WITH MĀORI)

Researchers and teachers must ensure that their actions are appropriately sensitive to participants' cultural and social frameworks, and the wider local and national communities. Researchers must discuss the issues relating to Māori cultural and ethical values by consultation with the whānau, hapū or iwi concerned. Researchers should engage in Research Consultation with Māori prior to submitting an ethics application to the R&EC.

The Research Consultation with Māori process provides the framework for appropriate consultation with Māori for research by Māori, about Māori (i.e. language, knowledge or persons), and/or for Māori. It ensures a thorough process that reflects NMIT's Te Tiriti o Waitangi Policy, upholds the needs and aspirations of Tangata Whenua of Te Tauihu and can contribute to meaningful engagement and outcomes for Māori and researchers.

Consultation is required for all areas of (quantitative or qualitative) research that are of interest or concern for Māori, such as:

- Any studies with Māori participants involving human tissue, body fluids, or DNA;
- Clinical trials or intervention studies with Māori participants;
- Population or community studies including Māori;
- The representation of Māori ways of knowing or being;
- Environmental studies either in our rohe (district of Te Tauihu), or elsewhere in Aotearoa New Zealand.

Appropriate consultation is required before research proposals are formalised or submitted for ethics application to the R&EC or for external funding.

See: Research Consultation with Māori on NMIT intranet.

E) RESPECT FOR CONFIDENTIALITY AND PRIVACY

Where the research and/or related activity is conducted in New Zealand, the researcher must comply with the Privacy Act 2020 and the Official Information Act 1982, and must adhere to the principles consistent with that legislation. The researcher is responsible for all information collected during the project including that of individuals, communities and institutions. The researcher should preserve participants' anonymity and confidentiality in dissemination of the results of the research, except in situations where it has been agreed with the participant that the participant will be identifiable.

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 the researcher must be proactive in protecting confidentiality. Researchers must take all reasonable precautions to prevent unauthorised use, access, modification, or disclosure of personal information.

All identifying data (e.g. consent forms, photographs, videos) should be accessible by the researcher or supervisor only and should be destroyed at the end of the project, or participants should be informed otherwise prior to giving consent. All non-identifying data (e.g. data sets and transcripts) used for publication must be securely kept long enough to allow for academic examination, challenge, or peer review – and consistent with NMIT Data Management Policy. This period would normally be seven years. Except in circumstances specified in the relevant legislation, personal information may be used only for the purpose for which it is collected.

Where the research and/or related activity 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. Even where the research and/or related activity is conducted in a country other than New Zealand, the researcher must comply as far as possible with the spirit of the Privacy Act 2020 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.

Data must not be made available to persons or for purposes that are not named on the application. 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. If online surveys include personal information which is either covered by the Health Information Privacy Code (HIPC) or the Privacy Act or upon request from the R&EC, a secure survey tool with local data storage is required.
NMIT staff as researchers are expected to comply with NMIT's ***Information and 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.

F) MINIMISATION OF HARM
Researchers should strive to minimise harm. 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:

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

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. Minimisation of harm also includes minimising harm to whānau (family and community), hinengaro (emotional well-being and state of mind), wairua (spirit), tinana (the body or physical self) and taioa (environment). Publication of research results also has the potential to harm groups, communities and institutions. Researchers must be aware of this in writing up and publishing results. Researchers should make every attempt to identify and minimise such harm, be it physical, psychological, social, economic or environmental.

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.

G) VULNERABLE PARTICIPANTS

Informed consent processes may need to take account of vulnerable participants, who for any reason are unable to take care of themselves, or unable to protect themselves from harm or exploitation. 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.

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.

H) 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.

I) QUALIFIED SUPERVISION

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

J) 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.

K) 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.

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 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.

For low risk research involving human participants (Category B) conducted by students, the R&EC has delegated authority to CMs, Business Support Managers, and/or tutors with appropriate skills and knowledge to approve the ethics applications. 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 using the template available from the R&EC. If there is any doubt about the classification, the R&EC should be informed and will evaluate whether the delegated authority can consider the proposal.

For high risk research involving human participants (Category A), supervising staff members are required to obtain ethical consent on behalf of students. A tutor may decide to submit to the R&EC for other reasons, for

example, if low risk student research is likely to be published and a committee approval will likely be required for publication.

In cases where a taught course requires 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 generic category A ethical approval for the generic project.

ADDITIONAL CONSIDERATIONS

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 NMIT 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.

See: Intellectual Property Policy

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 containing 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 or other appropriate Ethics Committee 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 participant 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 (aged 15 or younger) 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.

REFERENCES

INTERNAL

Academic Statute
Information and Records Management Policy
Intellectual Property Policy
NMIT Research Policy
Staff Misconduct Procedure
Student Misconduct Procedure
Te Pae Tawhiti Framework
Treaty of Waitangi Policy

A Guide to Research at NMIT (available for staff only on NMIT intranet)
NMIT Code of Ethical Conduct for the use of Animals for Research Testing and Teaching

FORMS

See Research Ethics Section in A Guide to Research at NMIT (available for staff only on NMIT intranet)

EXTERNAL

Privacy Act 2020
Health and Disability Ethics Committees
National Ethics Standards National

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