

Appendix A:**HUMAN ETHICS COMMITTEE GUIDELINES****1 Preamble**

- 1.1 The Victoria University Human Ethics Committee (HEC) was established by the University Council in 1990 following a recommendation by the Professorial Board and a report of a working party on contract research set up by the Vice-Chancellor. When it was established it was intended that the Human Ethics Committee “should have both University and lay representatives and that all projects, including contract-supported work, which involves human subjects, should be referred to this committee for approval before commencement.”
- 1.2 The purpose of the HEC is to promote, not prevent, research and teaching. In so doing, it seeks to ensure that all researchers and teachers are aware of the ethical issues of research or teaching activities involving human subjects. The HEC recognises that individual researchers and teachers, working in and familiar with their own disciplines, are generally in the best position to assess their proposed activity. Nevertheless, to ensure consistency and impartiality in considering the interests of potential subjects, as well as to provide a degree of protection for the researcher or teacher, it is important that certain categories of research and teaching activities be approved in accordance with the Human Ethics Policy and these Guidelines before being conducted.
- 1.3 In 1995 Victoria (and several other New Zealand universities) were given accreditation by the statutory body, the Health Research Council (HRC) Ethics Committee, in accordance with the (Interim) National Standard. Although the statutory body was primarily concerned with medical/clinical/health research, it was felt that added credibility and protection for all research involving human participants would be achieved if Victoria were to gain HRC accreditation. The wide grey area between health and “non-health” research and teaching, and issues related to the University’s insurance cover for liability and access to research funding also influenced the University’s decision to seek accreditation.
- 1.4 The HEC reports annually to the University Council, which in turn reports to the statutory body. Victoria’s HEC Guidelines and application procedures have been approved by the HRC. The secretary of the HEC holds details of the current membership of the committee.

2 General Principles

- 2.1 The following principles will guide those responsible for considering applications for ethical approval. There must be:
 - (a) informed consent free of coercion;
 - (b) respect for rights of privacy and confidentiality, in conformity with the Privacy Act 1993 and any Code issued under that Act;
 - (c) minimisation of risk of harm to the subject;
 - (d) limitation of deception;
 - (e) social and cultural sensitivity, including acceptance of the principles of the Treaty of Waitangi;
 - (f) research and teaching merit;
 - (g) avoidance of conflict of interest;
 - (h) respect for property rights;
 - (i) no discrimination which breaches the Human Rights Act 1993 or the New Zealand Bill of Rights Act 1990;
 - (j) special care taken of vulnerable participants (e.g. children).

- 2.2 Where the subject has a legal obligation to disclose the information to the researcher (as under the Official Information Act 1982) and to the extent that the information sought does not go beyond that obligation, principle (a) does not apply.

3 The Functions of the Human Ethics Committee

- 3.1 Victoria University recognises the need for studies in which human beings may serve as research or teaching subjects. The University is also aware of its responsibility for ensuring that the privacy, safety, health, social and cultural sensitivities, and welfare of such subjects are adequately protected. In exercising its academic freedom and autonomy, the University is required by the [Education Act 1989 \(s160\(3\)\)](#) to maintain the highest ethical standards and to permit public scrutiny to ensure the maintenance of those standards. Thus, the University has established the Human Ethics Committee to review and approve the adequacy of protection for human subjects. The Human Ethics Committee is an accredited Ethics Committee under the [Health Research Council Act \(1990\)](#) and as such has the authority to provide ethical approval for research involving human subjects. The functions of the Human Ethics Committee are:
- (a) To foster awareness of ethical principles in the teaching and research activities of the University.
 - (b) To provide guidance to university researchers and teachers with regard to ethical standards.
 - (c) To protect the rights of individuals and groups who are the subject of research, experiments set up for teaching purposes, and other similar activities under the auspices of the University.
 - (d) To consider and, where the Committee considers it proper to do so, to approve and monitor any proposals, protocols, or pilot projects, including contracts, submitted to the Committee, where the proposal, protocol, pilot project or contract relates to research under the auspices of the University and:
 - (i) involves particular individuals or groups as the subject of experimentation or study; or
 - (ii) involves human tissue; or
 - (iii) otherwise affects people's confidentiality, rights and freedoms.
 - (e) To review and, where it considers it proper to do so, to approve and monitor any proposal relating to teaching which involves human tissue or people (whether student members of the class, University staff, or others) as the subject of experiments or of situations set up for teaching purposes.
 - (f) To ensure that all research conducted by members of the University conforms to ethical principles and to known safety procedures.
 - (g) To ensure that teaching groups which regularly carry on teaching and research of the kind referred to above operate ethical review procedures which are acceptable to the Committee.
 - (h) To ensure that the following conform to ethical principles:
 - (i) the use of technology;
 - (ii) access to and use of student records in relation to teaching and research activities;
 - (iii) staff use of any student research and writing.
 - (i) To maintain records on all activities and decisions of the Committee (this function cannot be delegated to a Standing Committee of the HEC or to an ethics committee approved under section 4.13(b) of the [Human Ethics Policy](#), or to a head or manager).

- (j) To report annually to the Council and otherwise as necessary (this function cannot be delegated to a Standing Committee of the HEC or to an approved ethics committee or to a head or manager).
- (k) Any student representative on the HEC and on approved ethics committees will usually be expected to consider for approval every research or teaching project involving student subjects.

4 Information Sheets

Information sheets should usually contain at least the following information:

- (a) An introduction explaining who the researcher is and a brief description of the project, procedures to be followed and the academic or scientific benefits/objectives.
- (b) A statement to the effect that Victoria University requires ethical approval to be obtained for research.
- (c) An explanation of the role and expectations of the participants, including an indication of how long participation is expected to take.
- (d) A statement that indicates if the responses will be anonymous or whether an undertaking is given to keep personal details of participants confidential, how information will be secured and the form in which the data will be reported. [Where there is attributable reporting (i.e. by quoting the name of the person who has provided the information or the person is otherwise identifiable), this should be clearly specified on the consent form].
- (e) It may be necessary to state that a participant will have the right to check interview notes.
- (f) What will be done with the data. Whether (and where) it will be kept for a specified period. Whether it will be deposited in an archive (such as the Turnbull Library) or whether it will be destroyed within (say) two years of the completion of the thesis or project (see section 4.12 of the [Human Ethics Policy](#))
- (g) An indication of where the results will be published.
- (h) Whether feedback will be provided and, if so, how and approximately when.
- (i) The name and contact details of the researcher. In the case of student research, the name and contact details of the supervisor should also be supplied.

5 Consent Forms

5.1 A consent form to be signed by participants will vary with the type of research but would usually include, as appropriate, statements such as the following:

- (a) “I have been provided with adequate information relating to the nature and objectives of this research project, I have understood that information and have been given the opportunity to seek further clarification or explanations.”
- (b) “I understand that I may withdraw from this study at any time before the final analysis of data without providing reasons” [or similar as appropriate]. An explanation should be given as to what happens to data that has already been provided before the participant withdraws.
- (c) “I understand that if I withdraw from the project, any data I have provided will be returned to me/destroyed, etc.”
- (d) “I understand that any information or opinions I provide will be kept confidential and reported only in an aggregated/non-attributable form” or

- (e) “I consent to information or opinions being attributed to me [specify the nature of attributable information and the form in which it will be reported].
 - (f) “I understand that the information I have provided will be used only for this research project and that any further use will require my written consent”.
 - (g) “I understand that when this research is completed the information obtained will be [specify if it will be destroyed/retained/returned]”
- 5.2 It may be necessary to state that a participant will have the right to check interview notes.
See Appendix 3 for sample information sheets and consent forms.

6 Human Ethics and the Official Information Act 1982

The question has arisen why an ethics application is necessary when information is sought under the [Official Information Act 1982](#). The question arises because under the Act information must be released unless it falls within one of the reasons for refusing the request.

- (a) Under section 4.4 of the [Human Ethics Policy](#), ethical approval is not needed if the research involves existing publicly available documents or data. Under section 4.8(a), interviews “where the object of the interview is merely to seek non-sensitive factual information” do not require ethical approval. Many Official Information requests will fall within one or other of these two provisions of the Policy.
- (b) The [Official Information Act 1982](#) is silent on quoting the name of an official who has released information. Thus if the researcher wishes to source the information obtained under the Act by reference to an individual, ethical approval is required in the usual way.
- (c) If the researcher is seeking an opinion from a public official or some comment which is more than “official information”, the [Official Information Act 1982](#) is silent. Ethical approval is needed.
- (d) Where the information sought is of a sensitive kind (e.g. information about prisoners), whether there is good reason to refuse access to the information may be in the balance. The two situations (where the information can be withheld under the Act and where it cannot) are considered separately:
 - (i) If the information must be released, i.e. there is no reason to withhold the information, there is probably implicit power to impose conditions (implicitly recognised under section 28(1)(c) of the [Official Information Act 1982](#). Such conditions could include ethics committee approval.
 - (ii) If there is good reason to withhold the information, the information may still be released by the exercise of executive discretion. If ethical approval has been granted (which might happen because of safeguards the researcher has put into the proposal), the holder of the information might be more willing to accede to the request. To put it another way, the good reason to withhold the information might be waived if certain conditions such as ethics approval, confidentiality and limited use of the material are agreed to (see generally Eagles, Taggart and Liddell *Freedom of Information in New Zealand*, pages 40-42).
- (e) Even if the agency holding the information places no restrictions on the use of information which it is prepared to release, professional ethical obligations might demand such restriction, especially if the information is highly sensitive. An ethics application serves the function of ensuring that the researcher has thought through the implications of the request. The University requirements on ethics approval therefore must be complied with.

7 Dissemination of Results of Research

- 7.1 Where possible, research findings should be conveyed in a comprehensible form to those who participated in the research. The general expectation is that research results will be reported back to those who participated. Consent forms should usually include an opportunity for participants to indicate (e.g. by ticking a box) that they would like to be sent feedback when the project is completed.
- 7.2 Researchers should be aware that there is an ethical dimension to the formulation and publication of results. The researcher must remain sensitive to the uses to which less scrupulous people might put the research findings.

8 Application of Guidelines of Other Ethics Committees

- 8.1 It is recognised that the ethical guidelines developed by external organisations may be of direct relevance to research and/or teaching by students and employees of Victoria University. Such guidelines may address matters not covered by the Victoria University [Human Ethics Policy](#) and the HEC Guidelines, or may cover the same matters but in more specific detail. Consequently, the following ethical guidelines shall apply to students and employees of Victoria University:

"Ethical Guidelines for Human Specimen Collection, Storage, Use and Disposal", prepared by the Health Department.

- 8.2 Copies of the ethical guidelines referred to in paragraph 8.1 can be obtained from the Secretary, Victoria University HEC.
- 8.3 In the event of inconsistency between any provision of any ethical guidelines referred to in paragraph 8.1 and any provision of the Victoria University [Human Ethics Policy](#) or the HEC Guidelines, the HEC should be advised of that inconsistency, and that Committee shall determine which provision shall prevail.

9 Making and Notification of Decisions

- 9.1 The HEC attempts to have all applications approved within three weeks but a longer period may be necessary if applications require substantial revision. Where necessary, the applicant may be asked for further information or may be asked to clarify any matters. In appropriate cases, ethical approval may be subject to conditions, e.g. a redrafting of a consent form. Where an application is refused, notification of the decision will be accompanied by reasons for the decision.