

TERMS OF REFERENCE

HUMAN ETHICS COMMITTEES

1. **MEMBERSHIP**

1.1 The membership of the **Massey University Human Ethics Committees** shall be comprised as follows:

1.1.1 Appointed Members

- Chairperson 1
- Chairperson, Human Ethics Chairs Committee (ex officio)
- Chairpersons, other Massey University Human Ethics Committees (ex officio)
- Three (3) or four (4) members from the Academic staff 4
- Up to two (2) members nominated by the Vice-Chancellor 2
- Five (5) or six (6) members from the community 6

Note: At least one (1) member of the Committee should have legal expertise and one (1) member should have expertise in ethics (e.g. a teacher of ethics, philosopher, theologian, community recognised person such as a Maori elder)

Total Membership 13
maximum

1.1.2 Co-opted Members¹

The Human Ethics Committees shall have the power to co-opt for a limited time additional members to assist with scientific or technical matters or with expertise not otherwise represented on the Committee.

1.2 Appointment Procedures

1.2.1 Chairperson

Appointed by the Vice-Chancellor and who shall satisfy the Health Research Council definition of a 'lay member' for a term of three (3) years.

1.2.2 Members of Academic Staff²

Appointed by the Vice-Chancellor under the delegated authority of Council on the recommendation of the Academic Board for an initial term of three (3) years, normally being persons active in research on human beings, at least one of whom must be female and one of whom must be male, and one of whom must be Maori

¹ Gives the Committee scope to draw on other expertise and experiences as required, e.g. a Kaumatua or other representation for research involving Maori people, appropriate medical personnel for research covering an aspect of medicine. It also allows replacement of a member for a limited time, where that member is absent due to travel overseas or sickness.

² Detailed procedures are shown in Appendix 1

who should have an awareness of te reo Maori and an understanding of tikanga Maori. For the Committees based in Palmerston North, at least one appointee must be from the Wellington Campus.

1.2.3 Vice-Chancellor Nominations

Appointed by the Massey University Council on the recommendation of the Vice-Chancellor for an initial term of three (3) years.

1.2.4 Community Members³

- At least two must be female and two male, and one of whom must be Maori who should have an awareness of te reo Maori and an understanding of tikanga Maori.
- To be recruited by a publicity campaign, followed by short-listing and interviews.
- Appointed by the Vice-Chancellor under the delegated authority of Council for an initial term of three (3) years.

1.3 Eligibility for Re-Appointment

Members normally serve for no more than six (6) successive years. Re-appointment for a second term is by the Vice-Chancellor on the recommendation of the Chair of the relevant Human Ethics Committee. Extension of membership beyond six (6) years may occur when the member has expertise which the Committee requires under 1.2.

1.4 Terms and Conditions of Appointment

- 1.4.1 Every Member is required to sign a Membership Declaration Form⁴ prior to commencing any official duties.
- 1.4.2 Members will be provided with a Committee Members folder containing relevant documentation. Members must make every effort to become conversant with this information.
- 1.4.3 Members must have a commitment to protecting the processes followed by the Committee.
- 1.4.4 Any Member may at any time be removed from office by Council for bankruptcy, neglect of duty, misconduct, conflict of interest, or failure to abide by the responsibilities as set out in the Committee's Terms of Reference.
- 1.4.5 Members have a responsibility to act responsibly with regard to the effective and efficient administration of the Committee and the use of Committee funds.
- 1.4.6 Members must have a commitment to work for the greater good of the Committee as opposed to pursuing any personal agenda.
- 1.4.7 Members must attend at least two thirds of the Committee meetings each year. Members who do not attend two thirds of the meetings in a calendar year at the end of that year, cease to be a member of the Committee. If non-attendance

³ Detailed procedures are shown in Appendix 2

⁴ Detailed procedures are shown in Appendix 3

coincides with leave of absence from academic duties (e.g. sabbaticals, parental leave) and is for a period of not less than 6 months, the Director, Research Ethics, in conjunction with the Chairperson of the relevant Committee, may grant an extension to the members term.

- 1.4.8 Members must be conversant with the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants and attend personal development training associated with the Committee's work.
- 1.4.9 Members must review all documentation prior to the meeting and be prepared to comment on ethical issues as specified in the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants.
- 1.4.10 Members shall not disclose details of Committee matters or decisions to persons who are not Committee Members. Disclosure of Committee business to anyone outside the Committee should be on the decision of the Committee, or between meetings, at the discretion of the Chairperson.
- 1.4.11 Members must ensure that Committee documentation is kept secure to ensure that the confidentiality of Committee work is maintained.
- 1.4.12 Members shall not speak on behalf of the Committee unless the Committee gives consent to do so.
- 1.4.13 Community Members will be paid an agreed amount per half day per Committee meeting for time involved in reading material and attending meetings, and reimbursed for meeting travel costs. Request for payments will be submitted by Community Members to the Secretary for monthly processing.
- 1.4.14 All Members of Human Ethics Committees are covered by the University's Professional Indemnity Insurance policy when carrying out their duties in relation to the Committee, subject to the policy terms, conditions, exclusions and limitations.

2. COMMITTEE PROCEDURES

- 2.1 Each Committee will meet at least once per month (except January). Extra meetings may be scheduled as required.
- 2.2 The quorum for meetings shall be six (6), with at least three (3) from the Community Membership category.
- 2.3 A Deputy Chairperson will be elected at the last meeting of each year, for the following year. This person will act in the Chairperson's absence.
- 2.4 Meetings will be conducted in two parts. Part I will consist of general business which the public may attend. Part II will exclude the public so that matters may be discussed without public disclosure when the Committee is satisfied that there are considerations that outweigh the public interest of disclosure.
- 2.5 Agenda and minutes for meetings of Human Ethics Committees will be distributed to the Director, Research Ethics and Chairpersons of the Human Ethics Committee: Northern, Southern A and Southern B. Agendas, minutes and appropriate documentation of each Human Ethics Committee will be distributed to each member of that Committee.

- 2.6 Agenda/minutes/meeting documents to be placed in the Massey University Archive on a regular basis.
- 2.7 Applications to be retained for ten (10) years and then reviewed by the Human Ethics Chairs Committee for continued storage, archiving or destruction.
- 2.8 Applications for review and approval by a MUHEC must be on the MUHEC Application form.
- 2.9 If the Secretary and/or Chairperson decide on receipt of an application that it is incomplete and that further information will be required before it can be properly considered, that additional information will be sought before consideration by the full Committee.
- 2.10 Applications that are received prior to the closing date for the next scheduled meeting will normally be dealt with at that meeting.
- 2.11 The Committee is available to discuss with potential Applicants difficult ethical issues concerning their research, teaching and evaluation proposals.
- 2.12 Discussion of applications will normally be restricted to ethical issues and not involve discussion of research methods unless these create an ethical dimension.
- 2.13 The Committee may request an Applicant to attend a Committee meeting to provide further information before approval will be given.
- 2.14 Each application submitted to a Human Ethics Committee will be assigned to one of the following approval categories:
- *Approved*
Either with or without comments.
 - *Provisionally approved*
Subject to revisions of the application and/or satisfactory answers to questions submitted to the Applicant. The Applicant's reply and/or revised application to be forwarded to the Secretary and referred for approval to the Chairperson and/or the Chairperson and nominated Committee Member(s).
 - *Approval deferred*
Pending substantial revisions of the application and/or satisfactory answers to questions submitted to the Applicant. The Applicant's reply and/or revised application to be forwarded to the Committee for reconsideration.
 - *Approval declined*
Reasons for declining approval to be forwarded to the Applicant, either with or without an invitation to submit a substantially revised application for reconsideration by the Committee.
- 2.15 Approval for research and teaching projects will expire at the end of three (3) years from the date of final approval.
- 2.16 The Chairperson shall have the power to approve amendments when these are of a minor nature. These must be ratified at the next meeting.
- 2.17 An expedited review may be requested by an Applicant in writing to the Chairperson. If the Chairperson agrees that an application requires a more rapid response than can be given if the matter waited until the next scheduled Committee meeting, an expedited review may be granted. This procedure requires circulation of the application to Committee Members

and at least half of the Committee, including at least one Maori and one Community Member, indicating their approval of the application. These decisions must be ratified at the next Committee meeting.

- 2.18 Where there is insufficient expertise on the Committee to assess an application properly or address an issue raised, the Committee may seek additional expert advice. Such experts may be invited to attend a relevant Committee meeting.
- 2.19 Decisions will normally be made by consensus. If consensus cannot be achieved, the decision will be made by the majority, and the minority viewpoint should be recorded in the minutes.
- 2.20 To achieve impartiality, any member of the Committee who has an application before the Committee or who has a conflict of interest whereby the impartiality of that member could be questioned, will withdraw from the Committee's assessment of that application.
- 2.21 Committee Members are supported and encouraged to consult on ethical issues with individuals, whanau, hapu and iwi, provided the confidentiality of the application and details of the issue under appraisal are protected. Members should obtain consent from the Committee or Chairperson before any consultation takes place.
- 2.22 Applicants may request a reconsideration of a decision by a Massey University Human Ethics Committee.⁵
- 2.23 Complaints will be dealt with according to the Complaints Procedures of the Human Ethics Committees.⁶
- 2.24 Summary data and information about the activities of each Human Ethics Committee will be included in the Annual Report of the Human Ethics Chairs Committee, and will be prepared in early February of the following year.⁷

⁵ Detailed procedures are shown in Appendix 4

⁶ Detailed procedures are shown in Appendix 5

⁷ Detailed procedures are shown in Appendix 6

3. AUTHORITY

- 3.1 The Massey University Human Ethics Committees are sub-committees of the Massey University Human Ethics Chairs Committee which is a committee of the Academic Board.
- 3.2 The Massey University Human Ethics Committees act as approved ethics committees under the Health Research Council Act, Section 1 (c).
- 3.3 Details of the procedure for approval are contained in the document “HRC Guidelines for Approval of Ethics Committees”.

4. DUTIES

- 4.1 To provide advice to the Director, Research Ethics on procedures for the effective operation of the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants.
- 4.2 To ensure that applications approved by the Human Ethics Committees meet the standards set down in the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants.
- 4.3 To ensure the principles of the Treaty of Waitangi are incorporated in the proceedings and processes of the Human Ethics Committees, particularly the principles of participation, partnership and protection.
- 4.4 To advise on ethical issues in research, teaching programmes and evaluation of delivery of services to staff and students.
- 4.5 To identify issues not well understood or addressed by researchers and hence where educational effort is required.

5. REPORTING

To report annually to the Director, Research Ethics in the required format.

Human Ethics Committees Procedures for Nomination and Selection of Academic Members*

1. Recruitment

a) Academic members will be sought by:

- Announcement of vacancies in Massey News and Campus E-mail networks.

b) Maori Academic Members

In addition to the above:

- Maori campus networks will be advised.

c) Documentation required

Applicants/nominees will be requested to provide details of themselves, including relevant experience and reasons for applying, on an application form (attached).

2. Selection

- Applicants/nominees will be short listed, and interviewed, where necessary, by a selection panel, comprised of the following: Director of Research (relevant campus) or nominee, Chair (relevant Human Ethics Committee), and Assistant Vice-Chancellor (Māori & Pasifika) (or nominee).

3. Appointment

The Chairperson of the selection panel will forward a recommendation for appointment of Academic Member(s) to Academic Board who will make its recommendation to the Vice-Chancellor for approval.

* An academic member is defined as a member of the academic staff, as set out in Part 1, 1.6(g) of the Massey University Collective Employment Agreement.

**Human Ethics Committee
Application Form/Expertise Statement for Academic Staff Members**

• **Title:**

Professor	<input type="checkbox"/>	Dr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>
Associate Professor	<input type="checkbox"/>	Mr	<input type="checkbox"/>	Ms	<input type="checkbox"/>

(Please tick one box)

• **Full Name:**

• **Tribal Affiliations (if any):**

• **Current Position:**

Date of Appointment:

Department/Institute/School:

Campus:

Telephone/Fax/Email:

• **Academic Qualifications:**

- **Professional Qualifications:**

- **Government or Private Sector Board Appointments held:**

- **Understanding of tikanga Maori and of te reo Maori and understanding:**

- **Ethics-related general experience:
Please describe any relevant experience:**

- **Any other comments you wish to make in support of your application:**

- **Conflict of Interest:**

Do you have any activities/involvement which could present a conflict of interest situation: Yes No

If yes, please describe and indicate how you would manage these:

Signature of Applicant _____ Date _____

- **Support from HoD/I/S:**

I confirm that I am in support of this application for membership of a Human Ethics Committee.

Signature of HoD/I/S _____ Date _____

Human Ethics Committees Procedures for Nomination and Selection of Community Members

1. Recruitment

a) Community Members other than Maori members

Applications will be sought by:

- Public announcement of vacancies by public notice in local newspapers, advertisements to include details about the skills and expertise sought and the role of the Human Ethics Committee. Groups likely to have the required skills and expertise amongst their membership will also be advised.

b) Maori Community Members

In addition to the above:

- Nominations from appropriate Maori groups, including iwi, marae-based groups in the region and regional Maori organisations may be sought.

c) Documentation required

Applicants/nominees will be requested to provide details of themselves, including relevant experience and reasons for applying, on an application form (attached).

2. Selection

a) Community Members other than Maori members

(i) Short Listing

- Applicants/nominees will be short listed on the basis of the documentation supplied and according to pre-agreed criteria by a committee comprised of the following: Deputy Vice-Chancellor and University Registrar (or regional nominee), Chairperson and two Members of the relevant Human Ethics Committee.

(ii) Interviews

- Short listed applicants/nominees will be interviewed by a committee comprised of the following: Deputy Vice-Chancellor and University Registrar (or regional nominee), Chairperson and two Members of the relevant Human Ethics Committee.

- The decision will be made according to the pre-agreed criteria.

b) Maori community Members

- If more than one nomination is received, the Chair of the relevant Human Ethics Committee will consult with the Deputy Vice-Chancellor and University Registrar (or regional nominee) and the Kaiwawao of the campus.

3. Appointment

The Chairperson of the committee will forward a recommendation for appointment of Community Member(s) to the Director, Research Ethics, who will forward the recommendation to the Vice-Chancellor.

4. Endorsement

Nominations need to be endorsed by the relevant organisation.

Human Ethics Committee
Application Form/Expertise Statement for Community Members

1. Title:
(Please tick one box)

Dr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>
Mr	<input type="checkbox"/>	Ms	<input type="checkbox"/>

2. Full Name:

3. Tribal Affiliations (if any):

4. Address:

5. Telephone(s) & fax:

6. Email:

7. Academic & Professional Qualifications:

**8. Current Employment:
Position:**

Employer Name:

Region:

Date of Appointment:

9. Government or Private Sector Board Appointments held:

**10. Ethics-related general experience:
Please describe any relevant experience:**

11. Any other comments you wish to make in support of your application:

12. Conflict of Interest:

Do you have any activities/involvement which could present a conflict of interest situation: Yes No

If yes, please describe and indicate how you would manage these:

Signature of Applicant _____ Date _____

Appendix 3

**Human Ethics Committees
Membership Declaration**

I confirm that I have received a copy of the Massey University Human Ethics Committee Terms of Reference document.

I understand the terms and conditions of that document and accept them fully.

I understand that my membership of a Massey University Human Ethics Committee is dependent on my acceptance of the terms of that document.

I confirm that there is no conflict of interest that would affect my membership of the Committee and which I have not disclosed.

Name: _____

Committee: _____

Signature: _____

Date: _____

Appendix 4

Human Ethics Committees Reconsideration Procedures

All requests for reconsideration will be recorded and included annually in (i) the report of the Human Ethics Chairs Committee which is sent to the Massey University Academic Board; and (ii) the Annual Report Form which is sent to the Health Research Council (HRC) Ethics Committee.

Procedure for Reconsideration of a Decision of a Massey University Human Ethics Committee:

If applicants have concerns they should, in the first instance, attempt to resolve these through discussion with the Chair of the relevant Human Ethics Committee.

Applicants may only invoke the following procedure if dialogue with the committee has failed to produce an agreement between the two parties.

- a) Request sent to the Director, Research Ethics.
- b) Director, Research Ethics convenes an Appeals Committee consisting of the Chairs of non-involved Human Ethics Committees.
- c) Reconsideration will be by way of re-hearing, focusing on specific alleged errors of judgement or reasoning in the original decision.
- d) Applicant informed in writing of the decision, and, where the application involves health and disability research, the right to seek a second opinion from the HRC Ethics Committee. Other applicants may appeal to the Vice-Chancellor.

Human Ethics Committees Formal Complaints Procedures

Before adopting the following procedures, steps should be taken to reach an informal resolution.

- 1. Complaint received from Individuals other than the Applicant or Research Funders about the decision-making process used by the Human Ethics Committee in reaching a particular decision:**
 - a) Complaint made to the Human Ethics Committee in writing.
 - b) Human Ethics Committee Secretary sends complaint to the researcher for comment.
 - c) Human Ethics Committee gives written explanation about how the original decision in question was reached.
 - d) Complainant given the opportunity to respond and attend the next meeting of the Human Ethics Committee for further discussion.
 - e) Complainant informed in writing of the decision, and the right to have the complaint referred to the HRC Ethics Committee, if the complaint has not been resolved to the Complainant's satisfaction.
 - f) Report prepared by the Chairperson, Human Ethics Committee and forwarded to the Ethics Administrator.
 - g) Report reviewed by the Human Ethics Chairs Committee.

- 2. Complaint received from Participants that research/teaching/evaluation is not progressing according to the terms agreed by the Human Ethics Committee:**
 - a) Complaint made to the Human Ethics Committee in writing.
 - b) Human Ethics Committee Secretary acknowledges receipt of complaint and forwards complaint to the researcher for comment.
 - c) Human Ethics Committee warns researcher that if the complaint is upheld following an investigation and an application has been altered without approval, he/she may no longer have protection from legal redress.
 - d) Complainant kept informed.
 - e) Researcher produces response/makes presentation to the Human Ethics Committee (complainant may attend).
 - f) Human Ethics Committee withdraws or confirms approval, with or without amendments to the procedures.
 - g) Complainant informed in writing of the decision.

- h) Report prepared by the Chairperson, Human Ethics Committee and forwarded to the relevant Human Ethics Committee Secretary.
 - i) Report reviewed by the Human Ethics Committee and a decision made as to whether the complaint is upheld.
 - j) If upheld, the complaint is referred to the Assistant Vice-Chancellor (Research and Enterprise).
- 3. Complaint received from non-participants that research/teaching/evaluation is not progressing according to the Code of Ethical Conduct for Teaching, Research and Evaluations involving Human Participants:**
- a) Complaint forwarded to the Assistant Vice-Chancellor (Research and Enterprise) in writing.
 - b) Receipt of complaint acknowledged.
 - c) Assistant Vice-Chancellor (Research and Enterprise) forwards complaint to staff members concerned and the Director, Research Ethics for comment. Assistant Vice-Chancellor (Research and Enterprise) warns staff members that if the complaint is upheld following an investigation and an application has been altered without approval, he/she may no longer have protection from legal redress.
 - d) Assistant Vice-Chancellor (Research and Enterprise) responds to Complainant.
- 4. Complaints about the performance of the Human Ethics Committee*:**
- a) Complaint made to the Director, Research Ethics in writing.
 - b) Ethics Administrator acknowledges receipt of complaint and forwards complaint to the Human Ethics Committee for comment.
 - c) Complaint and Human Ethics Committee comments referred to the Human Ethics Chairs Committee.
 - d) Complainant and Human Ethics Committee Chair given the opportunity to speak with the Human Ethics Chairs Committee in regards to the complaint.
 - e) Report prepared by the Human Ethics Chairs Committee and referred to the Assistant Vice-Chancellor (Research and Enterprise).
 - f) Complainant and all Committee Members kept informed.
 - g) The Assistant Vice-Chancellor (Research and Enterprise) sends the report to the Complainant and the Human Ethics Committee for comment.
 - h) On receipt of the response from the Complainant and the Human Ethics Committee, the Assistant Vice-Chancellor (Research and Enterprise) will inform both parties and the Human Ethics Chairs Committee in writing of the decision.

All complaints will be recorded and included in (i) the annual report of the Human Ethics Chairs Committee (which is sent to the Massey University Academic Board); and (ii) the Annual Report Form, which is sent each year to the Health Research Council (HRC) Ethics Committee.

*Note: The Chair of the Human Ethics Committee involved in the complaint must stand down from discussion and deliberation during the consideration of the complaint by the Human Ethics Chairs Committee.

Human Ethics Committees Guidelines for Annual Report

The following data and information on the activities of each Massey University Human Ethics Committee will be collated and included in the Annual Report of the Human Ethics Chairs Committee to Academic Board:

1. Any changes in the Committee's guidelines for operation.
2. Any changes in the Committee membership.
3. A summary of the meeting dates attended by each Committee Member.
4. A statement of processes for orientation and training of new Committee Members.
5. A statement on provision of ongoing training and attendance at training, or other, conferences and seminars for Committee Members and how many Committee Members participated in training opportunities during the year.
6. A statement on provision of research ethics training for Massey University staff.
7. A list of all applications reviewed in the preceding year, including:
 - project reference number
 - project title
 - applicant name
 - participants/research institution/location where the research is to be/has been undertaken
 - an indication of whether the project is multi-centre, and if so, details about the lead committee
 - an indication of whether the project was received on the Committee's Application Form or the National Application Form
 - location of applicant (which will be one of Business, Education, Humanities & Social Sciences, Science, Creative Arts, New Zealand School of Music, Administration)
 - nature of the project (which will be one of student research, staff research, teaching, evaluation)
 - date of first review
 - decision of final outcome (which will be one of approved, other)
 - outcome (which will be one of: approved, provisionally approved, approval deferred, approval declined).
8. A list of low risk notifications received in the preceding year.
9. A list of the applications submitted to a Health and Disability Ethics Committee in the preceding year.
10. A summary of the total number of applications reviewed, by month.
11. A summary of the total number of applications reviewed, subdivided into the college areas.
12. A summary of the total number of applications reviewed, subdivided into the nature of the project areas.
13. A summary of the total number of applications reviewed, subdivided into the outcome areas.
14. A statement concerning responsiveness to Maori.
15. A list of complaints received by the Committee (if any), the actions taken to resolve the complaint and a comment on the outcome of the complaint(s).

16. Any areas of review which caused difficulty for a Committee in making a decision on any particular application(s).
17. A statement concerning how potential conflict of issues has been managed.