

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) | |
| • Up to four (4) members from the Academic staff | 4 |
| • Up to two (2) members nominated by the Vice-Chancellor* | 2 |
| • One (1) student member | 1 |
| • Up to six (6) members from the community | 6 |

Note: At least one (1) member of the Committee should have legal expertise, one (1) member should have expertise in ethics (e.g., a teacher of ethics, or philosopher) and one (1) member should have expertise in te reo Māori and tikanga Māori.

* For expertise required under the Health Research Council Guidelines for Approval of Ethics Committees (Section 4.2c)

Total Membership (maximum)

14

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 for a term of three (3) years.

1.2.2 Members of Academic Staff²

Appointed for an initial term of three (3) years by the Director, Research Ethics under delegated authority of the University Research Committee (URC) following recommendation by an Appointments Committee that usually comprises the Chair

¹ Gives the Committee scope to draw on other expertise and experiences as required, e.g., a Kaumatua or other representation for research involving Māori 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

and two members of the relevant human ethics committee. Appointees will normally have active experience of research with human participants. At least one academic staff member must be female and one male. At least one academic staff member must have an awareness of te reo Māori and an understanding of tikanga Māori.

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 females and two males, and one of whom must be Māori who should have an awareness of te reo Māori and an understanding of tikanga Māori.
- To be recruited by a publicity campaign, followed by short-listing (if required) and interviews.
- Appointed for an initial term of three (3) years by the Director Research Ethics under delegated authority from the University Research Committee on the recommendation of the Selection Committee.

1.2.5 Student Members

Appointed for a one-year term (with the possibility of a second one-year term) by the Dean Research under delegated authority from the University Research Committee on the recommendation of the Chair (relevant human ethics committee).

1.3 Eligibility for Re-Appointment

Members normally serve for no more than six (6) successive years. Re-appointment for a second term is 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 1.1.1.

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 access to the Committee SharePoint site that contains information and 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.

³ Detailed procedures are shown in Appendix 2

⁴ Detailed procedures are shown in Appendix 3

- 1.4.5 Members have a responsibility to act correctly 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 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 Member's term. Note: Under these circumstances the Chair and Director Research Ethics can co-opt, in the interim, a member with similar expertise.
- 1.4.8 Members must be conversant with the Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants and attend development training workshops 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. At the end of their term, members must ensure all documentation is securely destroyed.
- 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 Committee meeting for time involved in reading material and attending meetings and reimbursed for meeting travel costs.
- 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 usually 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 and applications which the public may attend. Applications can be considered in Part II when there is sufficient justification for doing so. 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 Agendas, minutes and appropriate documentation of each Human Ethics Committee will be available on the relevant committee SharePoint site for each member to review.
- 2.6 Agenda/minutes/meeting documents will be held in accordance with the Massey University Information and Records Management Policy that sets out the framework under which the University operates to meet its accountabilities and obligations under the Public Records Act (2005).
- 2.7 Applications will be held in accordance with the General Disposal Authority for New Zealand Universities to meet the University's accountabilities and obligations under the Public Records Act (2005). To be retained for twenty (20) years and then reviewed by the Research Ethics Office for continued storage, archiving or destruction.
- 2.8 Applications for review and approval by a MUHEC must be submitted on the MUHEC Application form.
- 2.9 If the Research Ethics Advisor 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 scheduled meetings will normally be dealt with at the next scheduled meetings.
- 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*
The committee has reviewed the application and is satisfied that the project meets the requirements of the Code of Ethical Conduct for Research, Teaching and Evaluations involving human participants. The applicant is free to commence the research as outlined in the application. Either with or without comments.
 - *Approved with conditions*
The committee has reviewed the application and is satisfied that the project meets the requirements of the Code of Ethical Conduct for Research, Teaching and Evaluations involving human participants. However, minor queries or revisions (e.g., typographical, addition of a committee approval statement, and other minor clarifications that do not pose an ethical risk to the research) may have been requested. Changes must be made, and the application resubmitted and referred for

approval to the Chairperson and/or the Chairperson and nominated committee member(s) for final approval prior to commencement of the research.

- *Provisionally approved*
The committee has reviewed the application and is satisfied that the project meets the requirements of the Code of Ethical Conduct for Research, Teaching and Evaluations involving human participants. However, queries or revisions (more than minor in nature) have been requested. The applicant's revised application and responses to queries are to be resubmitted and referred for approval to the Chairperson and/or the Chairperson and nominated committee member(s) for final approval prior to commencement of the research.
- *Approval deferred*
The committee has reviewed the application and is not satisfied that the project meets the requirements of the Code of Ethical Conduct for Research, Teaching and Evaluations involving human participants. However, it could meet requirements pending substantial revision of the application and/or satisfactory answers to questions from the committee. The Applicant's revised application is resubmitted for review by the full committee.
- *Approval declined*
The committee has reviewed the application and is not satisfied that the project meets the requirements of the Code of Ethical Conduct for Research, Teaching and Evaluations involving human participants, nor that it can meet the requirements of the Code if changes are made. The application is "Declined" and cannot be resubmitted. The reasons for declining the application will be sent to the applicant. The applicant may wish to consider submitting a new and substantially revised application to the committee.

- 2.15 The Research Ethics Advisor can mark an application as withdrawn because the applicant has advised that the research will not proceed, or, if the application has been inactive for more than 6 months and has not been resubmitted for consideration of final approval. It is not possible to 're-activate' a withdrawn application and a new submission is required. Note: Applicants (and supervisors in the case of student research) will be sent automated reminders through RIMS and a subsequent final notice of withdrawal by the Research Ethics Advisor prior to an application being withdrawn.
- 2.16 Approval for research, teaching and evaluation projects will expire at the end of three (3) years from the date of final approval.
- 2.17 The Chairperson shall have the power to approve amendments when these are of a minor nature. These must be ratified at the next meeting. Major amendments require the submission of a new application.
- 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 to the Health Research Council and the University Research 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 Ethics Chairs Committee which is a committee of the University Research Committee (URC).
- 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.
To report annually to the Health Research Council in the required format.
To report annually to the University Research Council.

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) Māori Academic Members

In addition to the above:

- Māori 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), along with a brief CV.

2. Selection

- Applicants/nominees will be short listed, and interviewed, where necessary, by a selection committee, comprised of the following: Chair (relevant Human Ethics Committee), and two members of the ethics committee.

3. Appointment

The Chairperson of the selection panel will forward a recommendation for appointment of Academic Member(s) to the Director Research Ethics for approval. Approvals will be notified to the URC in the annual report.

* 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:**

- **Iwi Affiliations (if any):**

- **Current Position:**

Date of Appointment:

Department/Institute/School:

Campus:

Telephone/Email:

- **Academic Qualifications:**

- **Professional Qualifications:**

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

- **Understanding of tikanga Māori and of te reo Māori 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 Māori members

Applications will be sought by:

- Public announcement of vacancies by public notice in local newspapers and/or groups likely to have the required skills and expertise amongst their membership. Advertisements will include details about the skills and expertise sought and the role of the Human Ethics Committee.

b) Māori Community Members

In addition to the above:

- Nominations from appropriate Māori groups, including iwi, marae-based groups in the region and regional Māori 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) along with a brief CV.

2. Selection

a) Community Members other than Māori members

(i) Short Listing and Interview

- Applicants/nominees will be short listed and interviewed based on the documentation supplied and according to pre-agreed criteria by a selection committee comprised of the following: Chairperson and two members of the relevant Human Ethics Committee.
- The decision will be made according to the pre-agreed criteria.

b) Māori community Members

- If more than one nomination is received, the Chair of the relevant Human Ethics Committee will consult with 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 for approval. Approvals will be notified to the URC in the annual report.

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. Iwi Affiliations (if any):

4. Address:

5. Telephone(s):

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 _____

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 Annual Report Form which is sent to the Health Research Council Ethics Committee (HRCEC); and (ii) the report of the Human Ethics Committee which is sent to the Massey University Research Committee (URC).

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. Applicants, whose applications do not involve health and disability research, may appeal to the Provost.

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 Research Ethics Advisor 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 or Provost (refer to Appendix 4d)), 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 Research Ethics Advisor.
 - g) Report reviewed by the Research 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 Research Ethics Advisor 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 Research Ethics Advisor.
 - 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 Provost, for action in accordance with the Code of Responsible Research Conduct.
- 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 Provost in writing.
 - b) Receipt of complaint acknowledged.
 - c) Provost forwards complaint to staff members concerned and the Director, Research Ethics for comment Provost 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) Provost responds to Complainant in accordance with the Code of Responsible Research Conduct.
- 4. Complaints about the performance of the Human Ethics Committee*:**
- a) Complaint made to the Director, Research Ethics in writing.
 - b) Research Ethics Advisor acknowledges receipt of complaint and forwards complaint to the Human Ethics Committee for comment.
 - c) Complaint and Human Ethics Committee comments referred to the Research Ethics Chairs Committee.
 - d) Complainant and Human Ethics Committee Chair given the opportunity to speak with the Research Ethics Chairs Committee in regard to the complaint.
 - e) Report prepared by the Research Ethics Chairs Committee and referred to the Provost.
 - f) Complainant and all Committee Members kept informed.
 - g) The Provost 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 Provost will inform both parties and the Human Ethics Chairs Committee in writing of the decision.

All complaints will be recorded and included in the Annual Report of the Human Ethics Committee which is sent each year to the Health Research Council Ethics Committee (HRCEC) and the Massey University Research 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 Research 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 to the Health Research Council Ethics Committee (HRCEC) and the University Research Committee (URC).

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
 - date of first review
 - outcome of first review (which will be one of: approved, approved with conditions, provisionally approved, approval deferred, approval declined
 - decision of final outcome (which will be one of approved, other).
8. The number of low-risk notifications received in the preceding year.
9. A summary of the total number of applications reviewed, by month.
10. A statement concerning responsiveness to Māori.
11. A statement concerning complaints received by the Committee (if any), the actions taken to resolve the complaint and a comment on the outcome of the complaint(s).
12. Any areas of review which caused difficulty for a Committee in making a decision on any particular application(s).
13. A statement concerning how potential conflict of issues has been managed.