

## GROUNDS FOR EMBARGO POLICY

<b>Section</b>	Research
<b>Contact</b>	Office of AVC Research, Academic and Enterprise
<b>Last Review</b>	March 2014
<b>Next Review</b>	March 2017
<b>Approval</b>	AB14/21 - March: 3.1.1
<b>Effective from</b>	March 2014

### Purpose:

To provide guidelines for post-graduate research students that wish to apply to the Assistant Vice-Chancellor (Research, Academic and Enterprise) to Embargo their thesis.

### Policy:

*It is the University's intention that candidates for post-graduate research qualifications should undertake research which results in a thesis that is available for public use and access immediately. This principle reflects the primary purpose of the university which is to advance, disseminate and assist the application of knowledge and test conventional wisdom.*

Students and their supervisors are strongly advised to consider issues of accessibility or availability, particularly in regard to the student's ability to publish. Evidence of the student's scholarly abilities and research skills should be available for public scrutiny and to potential employers. It is important that embargoes be the exception rather than the norm

Within this context, possible grounds for embargo might occur when harm could come about through the following circumstances:

1. Disclosure of commercially sensitive information (the most likely situation and one typically covered by an Agreement with an external party).

#### Notes:

- (a) Where a Student will participate, as part of their university assessment, in research which is subject to confidentiality obligations to any third party, Supervisors should advise students before they commence their research if a confidentiality agreement is in place and its possible future implications. If the student has any questions or concerns, they should contact the Graduate Research School for advice.
- (b) Students must not use or disclose confidential information for any unauthorised purpose.
- (c) Students must complete and return a confidential notification form to the Commercial Office as soon as is practicable about any Intellectual Property that they develop, create, or conceive (whether totally or in part) that is related to the business of Massey University in any way and/or that may be of commercial interest to the University. On this form, there should be a statement and tick box before signature by Student that states, "I acknowledge that I have been advised by Massey to obtain independent legal advice in respect of this Agreement, and that I have had sufficient time and opportunity to obtain such advice".

- (d) In some disciplines, research may only be possible if supported through external government, NGO, philanthropic or commercial funding. However, the funding of research should not be allowed to compromise its integrity and independence.
- (e) Potential funders and candidates should be made aware of the overriding obligation of the University under the Education Act (2001) to conduct disinterested enquiry and to disseminate the results of research as soon as practicable.

2. Disclosure of information that is personal or private and that could breach obligations under The Privacy Act 1993.

Notes:

- (a) Students and supervisors should choose research topics and information sources carefully, and should not, without good reason, make any undertakings to suppliers of information.
- (b) The University has a Code of Ethical Conduct for Research, Teaching and Evaluations involving Human Participants that requires staff and students to consider issues germane to the gathering, reporting and dissemination of research.
- (c) It is a primary responsibility of supervisors and candidates to report research carefully in such a way that the confidentiality of participants is protected.

3. Disclosure of thesis contents before the author of the thesis has had reasonable opportunity to publish all or part of the thesis. The time period for this condition will not exceed two years.

Notes:

- (a) Harm, in this circumstance, would relate to the effect on the student's career if release of the thesis would enable a rival researcher or group to publish competing material first.
- (b) If the basic principles of immediate dissemination and careful research planning are followed, there should be little need for exemption on this ground.

4. Disclosure of material that has been provided on condition that it not be disclosed.

Notes:

- (a) University research should be open to scrutiny and an essential part of that process is an assessment of the evidential basis of research.
- (b) Research projects should be conducted in a manner where issues regarding disclosure are minimised and close attention should be paid to this issue at the commencement of a thesis.
- (c) In principle, postgraduate research should not proceed unless eventual disclosure is possible, although it is accepted that a temporary embargo may on occasion be appropriate.
- (d) Students and supervisors should take care in this area, as the University cannot guarantee to maintain an embargo if disclosure is granted in the "public interest" under the Official Information Act 1982.
- (e) It is better if students and supervisors choose research topics and information sources carefully, so that this issue does not arise.

5. Disclosure of patentable material prior to a patent application concerning the subject matter of the research.

Notes:

- (a) Students and supervisors should seek patent protection for all/any inventions described in the thesis at the earliest point to avoid unnecessary delays in publication of the thesis or of papers derived in part or wholly from the thesis.
- (b) Students should refer to the Intellectual Property Policy prior to the commencement of any work which may be deemed commercially sensitive.

**PROVISO:**

Whilst embargoes may be sought to delay the publication of a completed thesis if a strong case is made under any of the circumstances identified in sections 1 to 5 above, under no circumstances may any person/body, other than the student whose thesis is in question, require any modification to a student's thesis. For the avoidance of doubt, a request for any section or part of a thesis to be deleted would be a 'modification' within the meaning of this section.

**AUTHORITY TO APPROVE EMBARGOES**

The Assistant Vice-Chancellor (Research, Academic and Enterprise) is the appropriate person to approve an embargo, once the grounds are agreed and declared. Candidates or supervisors may apply for the embargo, stating the applicable reason and providing appropriate evidence to support the case. All applications need to be signed by the Chief Supervisor before submission. The application will be processed before the thesis is bound and will be bound into all copies of the thesis.

*Note:*

*During the period of the embargo the thesis will be treated as confidential and access restricted to supervisors, examiners and the student. The completed paper copy of the thesis will be held securely by the Library until the end of the agreed period. In the case of an embargo of the full digital copy held by the University, only the author, title, abstract and metadata will be publicly accessible through the University's digital repository while the embargo remains in place. The thesis may be released earlier with the approval of the Assistant Vice-Chancellor (Research, Academic and Enterprise) following application from the Chief Supervisor. (See Related Procedures below)*

**Period of Embargo**

The period of the embargo will not normally exceed two years from the date on which the thesis is entered into the student's academic record. Extensions to this limit may be granted only in the most exceptional circumstances by application to the Assistant Vice-Chancellor (Research, Academic and Enterprise), and where the lack of an extension would cause significant hardship to the author.

**Audience:**

Supervisors  
Post-graduate Students

**Related Procedures:**

[Research Practice Policy](#)  
[Intellectual Property Policy](#)  
Application for Approval to Lift a Thesis Embargo

**Document Management Control:**

Prepared by: Research Strategy and Policy Manager  
Reviewed by: Assistant Vice-Chancellor (Research, Academic and Enterprise)  
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