

Name of Policy	Research and Intellectual Property Policy
Description of Policy	This policy frames the research environment within which staff and students undertake research at the School
Policy applies to	<input checked="" type="checkbox"/> Staff only <input type="checkbox"/> Students only <input type="checkbox"/> Staff and Students <input type="checkbox"/> Fee paying guests
Policy status	<input type="checkbox"/> New policy <input checked="" type="checkbox"/> Revision of existing policy

Approval authority	<input checked="" type="checkbox"/> Academic Board <input type="checkbox"/> Director
Governing authority	<input checked="" type="checkbox"/> Research and Ethics Group
Responsible officer	Academic Lead

Approval date	5 May 2021
Effective date	5 May 2021
Approval date of last revision	27 February 2018
Effective date of last revision	27 February 2018
Date of next policy review*	3 yearly review cycle, next review due 2024

*\*unless otherwise indicated, this policy will still apply beyond the review date*

Related legislation, policies, procedures, guidelines and local protocols	<ul style="list-style-type: none"> <li>• Education and Training Act 2020</li> <li>• Research and Ethics Group TOR</li> <li>• Staff Job Descriptions</li> </ul>
---	--

## Table of Contents

RESEARCH AND INTELLECTUAL PROPERTY POLICY.....	1
Table of Contents.....	2
Introduction.....	3
Purpose .....	3
Definitions .....	3
Policy Approach .....	4
Research Funding Application Guidelines .....	6
Research Leave .....	9
INTELLECTUAL PROPERTY.....	10
Definitions .....	11
Policy Approach .....	11
Monitoring and Review of Policy.....	13
APPENDIX A .....	14

## Introduction

The Education and Training Act 2020 proposes a tertiary education system that can, among other priorities,

*“Support excellent research and the contribution of innovative approaches to solving economic, social and environmental challenges ... collaborate and connect across disciplines and institutions to help solve local and global challenges”*

The Act also stipulates that degrees are to be taught primarily by people engaged in research. It is required of an institution that teaching and research be closely interdependent and performed to a high standard.

It is incumbent on tertiary education providers to maintain academic freedom to question and test received wisdom, to put forward new ideas, to state controversial opinions, and to create and disseminate knowledge that enhances and innovates progress. This freedom carries with it ethical responsibilities and the need for openness to rigorous review.

Te Kura Toi Whakaari o Aotearoa: New Zealand Drama School promotes the development of an environment for staff research that is sympathetic to the strategic direction of the School and that encourages the development of varieties of research, which in content and form, express and advance the School’s purpose and vision.

The Strategic Plan 2016 – 2021 states the School’s purpose is “Opening up the future and potential of performance practice.” Research is a key strategy in realising this purpose.

One of the three strategic priorities of the Academic Board for 2016 - 2021 is to:

- Support and cultivate an innovative and viable staff and student research practice, which investigates and utilises the Practice-as-Research (PaR) model.

## Purpose

This policy frames the research environment at Toi Whakaari within which staff and students undertake research. It outlines the development and implementation of research management at the School

## Definitions

### Research

Research is original investigation undertaken in order to contribute to knowledge and understanding, cultural innovation or aesthetic refinement.

It typically involves enquiry of an experimental or critical nature driven by hypotheses or intellectual positions capable of rigorous assessment by experts in a given field or discipline.

It is an independent, creative, cumulative and often long-term investigative activity conducted by researchers with specialist knowledge concerning their field of enquiry. The term 'independent' should not be construed as meaning individual and does not exclude collaborative research work.

In contrast to scientific methods, arts-based forms of research, such as those embraced by PaR, utilise emergent, craft-focussed processes of enquiry favoured by artists. The investigation and its results may be embodied in the form of artistic practices, designs, works or performances.

Its finding must be open to scrutiny and formal evaluations by colleagues in the field. This may be achieved in various ways including publication or public presentation.

It is a basic assumption that staff undertaking and supervising research are committed to the highest standards of professional conduct. They have a duty to maintain probity in research applicable to their practice or discipline, and to the good standing of the School.

These standards include rigorous opposition to all forms of fraud, including misrepresentation and falsification of results, the observance of the highest standards of safety in relation to themselves, colleagues and research participants, the maintenance of confidentiality and the full attribution and acknowledgment of authorship of all published material.

## Policy Approach

### Requirement to Undertake Research

All academic staff teaching degree programmes are expected to conduct research and disseminate the outcomes to a suitable audience.

The requirement to undertake research is a career expectation which will be balanced with the recognised obligations of academic staff, including but not exclusive of teaching and administrative responsibilities.

This policy does not exclude or discourage diploma staff or non-tutorial staff from undertaking research, rather it is encouraged but is not an expectation.

## Research Planning

All academic staff conducting research are encouraged to develop and implement a research plan annually and share these with the Research and Ethics Group (R&E Group) to support realisation of research projects.

## Statutory and Ethics Obligations

Staff researchers are required to conduct research in compliance with all of the School's obligations under legislation and any ethical and contractual obligations.

Research projects that involve human subjects or the use of personal information, including research undertaken as part of a teaching programme, must be approved in advance by the Research and Ethics Group (R&E Group).

## Research Management by the Research and Ethics Group

The R&E Group supports the research activities of staff. Its purpose is to comply with and oversee the implementation of the School's Research Policy.

## Research and Ethics Group Composition and Appointment

The R&E Group will consist of one or both Academic Leads and a maximum of three (3) other academic staff and a non-academic staff member.

The majority of members of the group will be expected to have post-graduate research experience and an expressed interest in developing a research culture within the School.

Members will be invited to join the group for a term of three (3) years with no limit to the number of terms.

## Research and Ethics Group Authority and Areas of Responsibility

The R&E Group will have the authority to:

- recommend bi-annually, in an unbiased and equitable manner, the allocation of the School research funding subject to the guidelines and criteria outlined in this policy. The Strategic Leadership Team will hold the final authority for funding approval.
- establish and grow a research culture within the School, in particular research that, in content and form progresses the School's direction, focus and vision.
- regulate its own procedure.

The R&E Group's area of responsibility includes but is not limited to:

- advising on the granting of research leave and the distribution of School research funds or other support.

- monitoring staff research to ensure that the output of research generated is consistent with the development and maintenance of high quality research and contributes to a persisting research culture at the School.
- preparing an annual budget proposal and recommendation for inclusion in the annual budget estimates submitted to the Board of Trustees for approval.
- maintaining an awareness of sources of external research funding from the public and private sectors.
- monitoring and reporting on internally and externally funded research grants.
- reviewing all research proposals that involve human subjects with respect to seeing that they comply with accepted ethical principles. (see below)
- providing professional development opportunities for staff to enhance their research performance and outputs.
- instigating and organising various research-based activities such as seminars, conferences, presentations, forums, round-tables etc., both internally for staff and students as well as externally for peers and colleagues interested in our disciplines and pedagogy.
- reporting to the Academic Board twice yearly on the state of research at the School.
- reviewing and updating School Research Policy at no greater than three yearly intervals and submitting reviewed or updated policy to the Academic Board for approval.

### Guiding Principles for Ethical Approval

Ethical principles are by their nature general. Such principles are context-sensitive and their proper interpretation and application invariably requires the good judgement of the R&E Group in approvals.

The R&E Group will be guided by the following principles:

- Respect and care for persons
- Acknowledgement of tangata whenua and the Treaty of Waitangi
- Respect and care for social and cultural contexts
- Respect and care for the natural environment
- Research and teaching merit
- Avoidance of conflicts of interest

### Research Form and Directions

The developing research culture within the School embraces and supports all forms of research, from academic to collaborative, cross-disciplinary and innovative arts and practice-based approaches and methods.

Research is unrestrictive in its thematic range and options. It can include specialist areas of the performing arts that are of significant importance to the work, profile, development and practice of individual staff. Alternatively, it can address pedagogical themes and directions to do with both the unique teaching culture and aims of the School, or issues and innovations in the wider teaching community and educational field.

## Research Funding Application and Guidelines

### The Research Fund

The Toi Whakaari Research Fund, allocated annually from School funds by the Board of Trustees, has been established to encourage and support staff undertaking research in their fields of expertise and interest as it

relates to their position at the School and the School's purpose and strategic direction. The Fund, administered by the R&E Group, is limited and contestable.

### Timeline for Research Funding Application Submissions

Applications for the allocation of research funding will be considered twice yearly. For the funding period 1<sup>st</sup> January through to 30<sup>th</sup> June applications must be received by the R&E Group by 30<sup>th</sup> November the previous year. For the funding period 1<sup>st</sup> July through to 31<sup>st</sup> December application must be received by 31<sup>st</sup> May.

### Funding Decisions

The R&E Group may recommend the funding of all or part of a research project. Where a project is not recommended for funding or recommended for partial funding the staff member may be encouraged to re-structure and re-submit a proposal taking into account suggested modifications.

Where a proposal is declined or partially declined for funding, full disclosure of the reasons for this decision will be communicated to the applicant.

### Successful Applications

The results of successful applications will be communicated to all staff by the R&E Group at the completion of each funding round.

### Funding Exclusions

Although the R&E Group may make recommendations to the Strategic Leadership Team about Research Leave, any funding granted to applicants will not include contributions to salary during the research project.

### Funding Request Applications Guidelines

All applications for research funding must be submitted in writing. All applications for research funding must address, where relevant, each of the following key areas in order to qualify. The suggested format is set out in Appendix A.

#### Area of research

- What is the research question?
- What is the specific area of research?
- How will the project extend, enhance or provide new insights into the area of investigation?
- What support is there for this claim?

#### Research Design and Methods

- How will the investigation be undertaken?
- What methods will be used to document and record the investigation?

- What personnel or research subjects are involved?
- What resources does it require?
- What is the projected timeline?

### Strategic Outcomes, Impact and Benefits

- What are the expected or hoped-for outcomes?
- What value does this research provide -
  - to the individual researcher(s)?
  - to the expected 'audience'?
  - to the field of enquiry?
- In what form(s) will the research outcome(s) be presented to their 'audience'?
- How might this research benefit teaching and students in the School?

### Ethical Considerations and Conflict of Interest

- Are there any ethical considerations that need raising or addressing in relation to the involvement of others?
- Are there any potential conflicts of interest that may arise during the undertaking of this research?

### Mentoring and Peer Feedback

- Is the research being mentored?
- Does it engage with ongoing peer feedback?

### Budgetary Implications

- What are the budgetary implications of the research?
- Is Research Leave being applied for? (*see Research Leave Section below*)
- Is cover required for tutorial obligations?

The application must be accompanied by a detailed budget that clearly outlines the component of the research for which funding is requested as well as any financial contribution being made by the applicant or external funding bodies.

### Letter of Agreement

Staff receiving funding assistance will be required to sign a letter of agreement concerning their obligation to spend received money as per their application.

### Changes to Approved Application

The R&E Group must be informed immediately of any changes to the original application. These changes must be submitted, in writing, to the R&E Group for re-approval.



## Return of Funds if Conditions of Application are not met

Approved funds must be returned if the conditions of the application cannot or have not been met as stated and approved.

## Sequential Funding Allocations

The R&E Group may recommend that funding be released in sequential allocations with subsequent release of funds being contingent on interim goals or markers being achieved.

## Proof of Spending

A proof of spending reconciliation will be required at the end of the proposed project. This must be submitted to the R&E Group no later than six (6) weeks after the completion of the funded component of the research.

Failure to provide a report and proof of spending at the conclusion of the funded project may disqualify the staff member from access to future funds.

## Acknowledgement of Funding

Acknowledgement must be made, wherever and whenever possible by researchers, of the School's financial contribution and support for their research outcomes and projects.

# Research Leave

## Research Leave and Employment Contracts

Research Leave is relief from teaching and administrative duties, which may be granted to members of staff so that they can pursue approved research plans. It can be used for research activities that happen on-site, or off-site including conferences, symposiums, and artistic collaborations with external groups.

After one year of employment, a permanent staff member will be eligible to apply for paid Research Leave. In general, full-time research-active staff can accrue 45 days of Research Leave per annum. A maximum allowance of 30 days may be taken during the teaching terms, with the rest of the allowance to be taken during non-teaching weeks.

Staff who are not active researchers, or who have no research plan for a particular year will be expected to include the 30 day allowance into their teaching, preparation and assessment workload for the year, which may be expressed as 20 days of teaching and 10 days of preparation/assessment.

Within three months of using their Research Leave, or at the conclusion of the research activity, staff are required to submit to the R&E Group a brief but reasonably detailed report that may serve as a first draft of their formal Research Contribution/Output.

Research Leave may be accumulated over any two year period but must be used by the conclusion of the second year. Written notification of the intention to accumulate more than two years of Research Leave must be approved by the Strategic Leadership Team. Approval will only be given in exceptional circumstances

### Departmental responsibilities

Within each department only one staff member at any one time should be engaged in Research Leave that involves absence from the School. This is monitored by the Head of Department or designated departmental representative. Satisfactory arrangements must be made for maintaining teaching and administrative functions during any absence. This is the responsibility of the Head of Department or designated departmental representative.

### Research Leave Applications

Staff applying for Research Leave should submit an application in writing to the R&E Group. Application for leave may accompany an application for research funding.

The R&E Group will consider the application and make a recommendation to the Strategic Leadership Team, which has final approval.

Approval is not automatically granted. Where an application is declined full disclosure of the reasons for this decision will be communicated to the applicant.

Factors which may affect the granting of leave include:

- the nature of the proposed research and
- the timing of the request in relation to arranging for cover for any absence.

### Research Leave Application Guidelines

The application for Research Leave should address similar questions to those in the application for research funding (see **Funding Request Applications Format Guidelines** above) and should include:

- a detailed summary of the research project etc., with supporting documentation if appropriate
- your personal goal and expected outcomes from undertaking the research activity for your own practice
- how undertaking this activity may benefit Toi Whakaari, e.g. curriculum development, teaching skills, research, industry relations, strategic direction of the School, recruitment, etc.
- details of anticipated research outputs and timeline for delivery
- dates of leave
- arrangements made to cover for your absence where applicable
- if applicable what financial assistance is being requested with budgetary and supporting documentation
- other relevant information to support application

# INTELLECTUAL PROPERTY

The output of research is intellectual property (IP) which manifests itself in such ways as new (or substantially improved) knowledge, services, materials, processes, designs, and artistic works.

The laws of New Zealand grant the School, its staff, and students certain rights with respect to ownership of IP. Under the law, employers are the first owner of IP created by employees during their normal course of employment.

This policy distinguishes between ownership of, and the benefits derived from, IP. Explicit provision is made for benefit sharing between the creators of IP and the School, even when ownership is not similarly shared.

## Definitions

### Intellectual Property

Intellectual property is the outcome of intellectual activity and creative effort for which various rights and protections may be conferred by statute, contract or common law. It includes any invention, discovery, or creation, which may be protected by way of trademark, patent, design, copyright, know-how, trade secret, permit, and all applications, drafts and workings relating to these rights.

### Copyright

All copyright under the Copyright Act 1994 and all rights in the nature of copyright that may exist anywhere in the world in any original literary, artistic, dramatic, musical or other work.

### Creator(s)

Any member of staff, research student or undergraduate student who creates IP in pursuit of his or her employment or course of study with the School.

## Policy Approach

### Staff Ownership

Staff own IP created outside the normal course of employment.

In addition, each staff member owns copyright in any original scholarly work that is of a literary, dramatic, or artistic nature produced by that staff member, including all lecture notes, research materials, software (except for that which has been identified as having commercial potential) and the drafts or published results of research, but shall not extend to materials produced for the administrative work of the School or examination and assessment materials, teaching materials published by the School, or commissioned works.

## School Ownership

The School owns all IP produced:

- By staff in the normal course of employment but excluding copyright as identified above.
- As part of an undergraduate course of study to the extent covered by an agreement.
- As part of supervised research to the extent covered by an agreement.
- As a commissioned work by the School from staff as part of their employment. The creator and the School will enter an agreement at the time the work is commissioned.
- As contracted work by the School from third parties (some exceptions may exist on a case-by-case basis).

## Disclosure

All IP other than that identified under Staff Ownership which the creator reasonably believes will be of commercial interest or value to the School; or which the creator undertook as a commission by the School must be disclosed to the Strategic Leadership Team of the School.

The School may then:

- claim ownership of the IP
- licence the IP to the creator
- decide to draw up a shared IP ownership agreement with the creator
- decline ownership of the IP and assign ownership to the creator

## Benefit Sharing

Benefits derived from commercialisation of IP owned by the School shall be shared between the creator(s) and the School according to an agreed formula with no less than one third ( $\frac{1}{3}$ ) being returned to the creator(s).

## Rights of Creators

The School must take reasonable steps to respect the right of the creator to be acknowledged as the creator of IP and to ensure that others respect that right.

Where the School uses IP it must take reasonable steps to obtain the permission of the creator before modifying or adapting that IP for uses distinctly different from the original.

Where the creator wishes not to be acknowledged as the creator of IP that has been modified or adapted, the School must take reasonable steps to respect that wish and to ensure that others respect it.

## Disputes

In the case of a dispute arising between the School and the creator(s) involving the ownership, benefit sharing, or management of the IP, or any other matter arising out of this policy, the parties agree to refer the matter to the Academic Board and to engage in full and frank discussions in an attempt to resolve the issue including, if helpful, mediation.

Failing the satisfactory resolution of the dispute by this means a professional Arbitrator will be appointed by the Academic Board. Such arbitration shall be final and binding.

## Monitoring and Review of Policy

The Research and Intellectual Property Policy will be monitored by the School's Academic Board.

The Research and Intellectual Property Policy is reviewed at least triennially by the Research and Ethics Group, and the Academic Board.

This version of the Research and Intellectual Property Policy was submitted to, and approved by the Toi Whakaari Academic Board on 5 May 2021.

For review before May 2024.

# TOI WHAKAARI RESEARCH FUNDING REQUEST

Researcher Name:

Title of Research Proposal:

[max. 15 words]



## AREA OF RESEARCH

The intention of this section should be to write a concise, but adequate, explanation of *why* you are undertaking this research project, what you hope to achieve (in short, medium and long-terms) and the aims of this particular request. Address the following questions.

- What is your research question?
- What is the specific area of research?
- How will the project extend, enhance or provide new insights into the area of investigation?
- What support is there for this claim?

[Your answer should not exceed one page.]

## RESEARCH DESIGN & METHODS

This section addresses your research design and evidence of planning. It should answer the following questions.

- How will the investigation be undertaken? *Describe your research design and methods giving details of how you intend to carry out the proposal. Explain why this methodology is the most appropriate.*
- What methods will be used to document and record the investigation?
- What personnel or research subjects are involved?
- What resources does it require? *General description. A more detailed budget is required in a following section. Include evidence that these resources (such as time, specialised assistance, access to participants, equipment etc.) are available.*
- What is the projected timeline? *Identify key phases and the activities that will be involved in each phase i.e. collaborations, processes, advice/consultation, data collection, collation and 'writing', dissemination. What forward planning has already taken place?*

[Your answer should not exceed one page.]

## STRATEGIC OUTCOMES, IMPACT & BENEFITS

This section addresses the short, medium and long-term strategic outcomes that will result from this proposal and the local, national and international impact and/or benefits of the research. It should answer the following questions.

- What are the expected or hoped-for outcomes?
- What value does this research provide
  - to the individual researcher(s)?
  - to an expected 'audience'?
  - to the field of enquiry?

## APPENDIX A

- In what form(s) and how will the research outcome(s) be presented to their 'audience'? *For example publication, performance, report, exhibition etc.?*
- How might this research benefit teaching and students in the School?  
[Your answer should not exceed one page.]

### ETHICAL CONSIDERATIONS AND CONFLICT OF INTEREST

This section addresses any ethical or conflict of interest issues with your research. Where your research involves human participants the funding request will be assessed using the following principles

- Respect and care for persons
- Acknowledgement of tangata whenua and the Treaty of Waitangi
- Respect and care for social and cultural contexts
- Respect and care for the natural environment
- Research and teaching merit
- Avoidance of conflict of interest.

This section should answer the following questions.

- Are there any ethical considerations that need raising or addressing in relation to the involvement of others? *Give sufficient detail that the granting committee can make a decision.*
- Are there any potential conflicts of interest that may arise during the undertaking of this research?  
[Your answer should not exceed one page.]

### MENTORING & PEER FEEDBACK

It is unlikely that significant amounts of research funding will be granted to un-mentored research. This section should address the following questions.

- Is the research being mentored? *Give details of the mentor and their authority for being able to mentor you and this research.*
- Does the research engage with ongoing peer feedback? *This may have been covered in the projected timeframe section.*

[Your answer should not exceed one page.]

### RESOURCING

This request must be accompanied by a detailed budget, with justifications, that clearly outlines the components of the research for which funding is requested, as well as any financial contribution being made by the applicant or external funding bodies. The level of financial support will be influenced by the detail of your budgetary justifications, and written quotations. A listing does not constitute a justification. Your budget should address the following areas.

- Salary - *What are your expectations for salary, if any, while the research is being carried out? Are you applying for Research Leave or Leave Without Pay?*

## APPENDIX A

- Indirect salary costs – *Will a replacement tutor be required to maintain your teaching load while you are conducting research? If so, for how long and at what cost?*
- Travel, Accommodation and Sustenance during travel
- Operating Costs – *What costs do you anticipate will be incurred in the research, i.e. paying participants, kōha (unconditional, spontaneous gift for unsolicited services), venue hire, printing, specialised equipment, insurance, etc.*
- Funds granted or applied for from external research funders and offers of support in-kind.