

THESIS EMBARGO POLICY

Section	Research
Contact	Provost
Last Review	March 2014
Next Review	February 2027
Approval	AB24/02/06
Effective from	February 2024

Purpose:

To provide guidance for postgraduate research students and their supervisors in relation to applications for an embargo to be placed on public access to theses.

Policy:

Massey University holds to the principle that research undertaken by students and presented as a thesis in partial or complete requirement for the award of a postgraduate research degree should be in the public domain. Postgraduate research students should therefore undertake research which results in a thesis that is available for public use and access through Massey Research Online, the University's open access digital repository.

In principle, postgraduate research should not proceed unless eventual disclosure is possible.

The university recognises that student researchers have a right to request under exceptional circumstances that conditions be imposed restricting access to theses and requires students to consult with their supervisors before applying for an embargo.

The conditions under which a student may, with supervisory support, request an embargo be placed on public access are:

- Disclosure of sensitive information that might breach contractual arrangements or confidentiality agreements.
- Disclosure of information that might prevent or jeopardise an application for a patent, license, registration, or other intellectual property rights (including plans to publish all or part of the thesis).
- Disclosure of information that might constitute a breach of law, or a threat to public safety and order.
- Disclosure of information that is personal, private, sacred, or indigenously/culturally sensitive or disrespectful.
- Exceptional circumstances which may necessitate, in the opinion of the Dean: Research, the withholding of information.

Where an application for embargo is approved, the minimum embargo period is one year, and the maximum is normally two years from the date on which the thesis is entered into the student's academic record. However, grounds for a longer period of embargo or an extension of an approved embargo may be considered under exceptional circumstances.

The embargoed thesis may be released earlier with the approval of the Dean Research, following an application from the student and supervisor.

Applications for embargo and extension of an embargo period, as the case may be, must be made to the Dean, Research for approval using the '*Application for Approval to Embargo a thesis*' form.

During the period of the embargo the thesis will be treated as confidential and access restricted. Where a full digital copy is held by the University, only the author, title, abstract and metadata will be publicly accessible through the Massey Research Online while the embargo remains in place.

Whilst embargo may be sought to delay the publication of a completed thesis if a strong case is made under any of the grounds for embargo in this Policy, no person or body, other than the student whose thesis is in question, may under any circumstances require any modification to the student's thesis. For 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.

The Schedule to this Policy contains the principles for making and managing applications for embargo, which are to be followed by students, supervisors, and staff as meticulously as reasonably possible.

Schedule: Good Practice Principles for Embargo Applications

This schedule provides the principles for making and managing applications for embargo of a postgraduate thesis.

1. Making an application

University research should be open to scrutiny, and an essential part of that process is an assessment of the evidential basis of the research. Research projects should therefore 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. It is advisable that students and supervisors choose research topics and information sources carefully upfront, so that this issue does not arise.

Students and their supervisors are strongly advised to also consider issues of accessibility or availability, particularly regarding 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 therefore important that embargoes be the exception rather than the norm.

Students, with the support of their supervisors, may apply for embargo, and must state the applicable ground(s) and provide appropriate evidence to support the application, in the '*Application for Approval to Embargo a thesis*' form, which is available online. It is advisable for students and supervisors to agree that it would be appropriate to make an application before submitting it, and to state as such in their application.

The Dean Research will determine the outcome of the application for embargo after considering whether sufficient grounds for embargo exist under the *Thesis Embargo Policy*. Where deemed appropriate, the Dean Research will consult the University's Legal Services team, the Privacy Officer, and/or the Enterprise Office before determining the outcome. The application should where possible be processed before the final approved thesis is submitted via Massey University Doctoral Thesis Upload.

Students and supervisors should note that the university cannot guarantee to maintain an embargo if disclosure is granted in the 'public interest' under the Official Information Act (1982).

2. Grounds for embargo

2.1 Disclosure of sensitive information that might breach contractual arrangements or confidentiality agreements.

Where a student participates in research which is or may become subject to confidentiality obligations to any third party, the supervisors should advise students before they commence their research whether a confidentiality agreement is in place, or may become applicable, and its potential implications. The student and/or supervisor(s) should contact the Graduate Research School for advice where they have any concerns or questions.

Students must not use or disclose confidential information for any unauthorised purpose. It is a primary responsibility of supervisors and candidates to report research carefully in such a way that the confidentiality of participants is protected.

In some instances, 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. Potential funders and candidates should be made aware of the overriding obligation of the university to conduct disinterested enquiry and to disseminate the results of research as soon as practicable.

Where an embargo has been approved for a thesis prior to examination, all examiners should be required to sign confidentiality agreements.

2.2 Disclosure of information that might prevent/jeopardise an application for a patent, license, registration, or other intellectual property rights (including plans to publish all or part of the thesis)

If the basic principles of immediate dissemination and careful research planning are followed, there should be little need for exemption on this ground. However, in some instances there may be a risk for the student if release of the thesis would enable a rival researcher or group to publish competing material first.

Students should refer to the *Intellectual Property Policy* prior to the commencement of any work which may be deemed commercially sensitive and must ensure they understand the obligations they are bound to under that Policy. 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.

Students should discuss with and must notify the Research and Enterprise 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. The student must be advised of their right to obtain independent legal advice in respect of any agreement concerning intellectual property rights and be allowed sufficient time and opportunity to obtain such advice.

Students who are writing a Thesis with Publications should discuss with their supervisor the advisability of applying for an embargo sufficient to cover the period of embargo specified by the relevant publisher/s.

2.3 Disclosure of information that might constitute a breach of law, or a threat to public safety and order.

Students and supervisors should consider the impact of the Official Information Act (1982), the Privacy Act (2020) and any other law or legislation that may be pertinent to their research. They should consequently choose research topics and information sources carefully, and should not, without good reason, make any undertakings to suppliers of information.

Similarly, students and supervisors should consider the potential impact of their research and/or information disclosed in it on public safety and order. Appropriate safeguards should be sought and put in place where the research proceeds.

2.4 Disclosure of information that is personal, private, sacred, or indigenously/culturally sensitive or disrespectful.

Understanding different personal and cultural perspectives around the collection, use and disclosure of sensitive information, which is often complex, variable, and may be influenced by a number of different factors, is critical for completing responsible research and publication.

Safe, transparent, and responsible handling of sensitive information of this nature not only benefits the student, the university, and the providers of the information, but also society as a whole. Students and supervisors should therefore consider carefully how they could make their processes for the collection, handling, and dissemination of sensitive information of this nature more culturally and socially responsible.

2.5 Exceptional circumstances which may necessitate, in the opinion of the Dean: Research, the withholding of information.

Public access to a thesis may be withheld if the Dean Research is satisfied that there are exceptional circumstances, that are not otherwise covered by the grounds for embargo in the Policy, and that those exceptional circumstances necessitate the withholding of information.

Applications for embargo under these circumstances should provide full details of those exceptional circumstances, and a compelling motivation supporting the application for embargo.

3. Period of an embargo

When applying for a thesis to be embargoed, students and supervisors should indicate clearly the factors that would determine an appropriate length of time for their thesis to be embargoed.

The period of embargo will not normally exceed two years from the date on which the thesis is entered into student's academic record.

Extensions to this limit may be granted only in the most exceptional circumstances, and where the lack of an extension would cause significant disadvantage to the student. An application for extension of an embargo will be required to be made by the student and supervisor, using the '*Application for Approval to Embargo a thesis*' form.

4. Management of thesis during an embargo period

During the period of the embargo, the embargoed thesis will be treated as confidential, and access to it will be restricted to supervisors, examiners, and appropriate Library staff, and the student. The submitted digital copy of the thesis will be held securely by the library until the end of the agreed embargo 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.

Audience:

Postgraduate research students
Postgraduate research supervisors

Relevant legislation:

Official Information Act, 1982
Privacy Act, 2020

Related policies and procedures:

Research Practice Policy
Intellectual Property Policy

Document Management Control:

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