

Code of Ethical Conduct
UNIVERSITY OF AUCKLAND
CODE OF ETHICAL CONDUCT FOR THE USE OF ANIMALS FOR TEACHING AND RESEARCH.

1. Preamble

The use of animals for teaching and research within the University of Auckland by staff and students shall be controlled by the Animal Ethics Committee of the University of Auckland. No member of staff or any student shall use animals for tissue collection, teaching or research without the prior approval of the Animal Ethics Committee (AEC). The AEC may agree to act on behalf of other organisations.

The AEC shall review written applications for the use of animals for teaching and research and issue approval for their use only if it is satisfied that their use is in compliance with the Animal Welfare Act 1999 and all other Acts of Parliament, regulations and bylaws relating to the obtaining, holding, possession, care and treatment of animals. In accordance with the above regulations the AEC has established the following code of ethical conduct and all approval for use of animals or animal tissue will depend upon the AEC being satisfied that the proposed use of animals will comply with this code.

The AEC acknowledges its commitment to the Three Rs as prescribed in section 80(2) of the Act

2. The Animal Ethics Committee

2. (a) Appointment

The Animal Ethics Committee (AEC) of the University of Auckland is appointed by the Vice Chancellor and shall comprise:

- i.) Chairperson nominated by the Office of the Vice Chancellor¹, following consultation with the AEC.
- ii.) Dean of Faculty of Medical and Health Sciences or their nominee.
- iii.) Dean of the Faculty of Science or their nominee.
- iv.) An animal facilities manager of the University of Auckland, appointed after consultation with the DVC(R)
- v.) Two representatives of the Faculty of Medical and Health Sciences.
- vi.) One representative of the Faculty of Science.
- vii.) At least one suitable lay member not affiliated with the University or scientific community or with an animal welfare agency to represent the public interest nominated by a territorial or regional council.
- viii.) One veterinarian nominated by the N. Z. Veterinary Association, not a member of the University staff.
- ix.) A nominee of the Royal New Zealand Society for the Prevention of Cruelty to Animals Inc. who shall not be a member of the University staff.
- x.) Animal Ethics Committee secretary in attendance.

The Animal Welfare Officer shall be invited to meetings in an advisory role.

The committee shall have power to co-opt, for a period of three years. The term of appointment for all members is three years. A member shall remain in office until their successor is appointed. Where a casual vacancy arises, the member appointed to fill the vacancy shall be appointed for the remaining term of the member being replaced. All AEC members shall be eligible for reappointment subject to consultation with the nominating organisation or Faculty.

2. (b) Replacement

When an appointment is to be made, the relevant nominating person or organizations will be asked by the chairperson of the AEC to nominate a suitable person. This process should be completed within a maximum of three AEC meetings from the time of the vacancy.

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2. (c) Induction

Each new member will receive practical guidance regarding the functions of the AEC. The new member will not receive any applications at their first AEC meeting to allow them to observe the processes of the committee in action, but will be afforded all rights and privileges as a voting member of the AEC.

Induction processes will be based on the NAEAC guidelines and induction pack.

Each new member will receive a copy of the Code of Ethical Conduct, the Committee Process document and various relevant ANZCCART, NAEAC and other publications which may provide useful reference information.

2. (d) Committee Process

- i.) The committee process will be determined by the committee and will be detailed in the Committee Process document held by the Secretary.
- ii.) Records of approved protocols will be kept for 20 years. Records of all other committee business will be kept for 10 years.
- iii.) The committee may elect to enter into parenting arrangements with other organisations including commercial enterprises that wish to use this code. Written applications, along with an AEC recommendation for either acceptance or rejection, shall be forwarded to the Executive Officer of the University for consideration. After presentation as Correspondence at the next available AEC meeting any acceptable arrangement will be notified to the MAF regulatory body as required.

2. (e) Complaints procedure

Complaints regarding the Animal Ethics Committee will be dealt with by the Chairperson of the AEC in consultation with at least one other member of the AEC. Written complaints will receive a written acknowledgement from the Chairperson, and the complaint and the acknowledgment will be tabled as correspondence at the next scheduled AEC meeting. The full committee will discuss the complaint and the Chairperson will write to the complainant stating the action(s) that will be taken.

If further clarification is sought by the complainant then a meeting will normally be arranged within 10 working days of the receipt of written request for clarification. Those attending this meeting shall comprise the complainant (and up to two support persons), the AEC Chairperson, Animal Welfare Officer and one other AEC member. The resolutions of this meeting shall be recorded by the Chairperson and copies forwarded to the complainant and all members of the AEC.

A complaint about the Chairperson of the AEC shall be addressed to the Office of the Vice Chancellor and shall be handled in the manner decided by the Vice Chancellor or his/her delegate.

Where appropriate, complaints will be dealt with under the provisions of University policy on the Protected Disclosures Act 2000. See Appendix 1.

3. Coverage

Approval must be sought for any manipulation of any animal for the purposes of research and teaching as defined by the Animal Welfare Act 1999 (sections 2, 3 and 5).

Approval must be sought for the killing of an animal in order to undertake research or teaching on a dead animal or their tissues

With respect to use of animals in fieldwork, the above definitions are interpreted to mean that approval shall be required if the use extends beyond simple observation.

Any therapy or prophylaxis necessary or desirable for the welfare of any animal will not require AEC approval but may require veterinary approval in order to meet the requirements of Agricultural and Veterinary Compounds Act 1997.

Note: Where the application of this code is uncertain, the AEC encourages informal consultation with any member of the Committee or the Secretary.

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4. Method of Application and Statutory Responsibility

4 (a) Method of Application

Approval shall be sought by application to the AEC on appropriate application forms. Approval shall be given for a period of three years, or any lesser period as the AEC shall determine. The AEC may require inspection of the facilities, procedures and personnel before giving approval. Any modification to the protocol or change in personnel must be subject to prior approval by the AEC.

4 (b) Ensuring compliance

- i.) The members of the AEC and the Animal welfare Officer shall have the right at any time to inspect the facilities in which the animals are housed, the procedures used, and the condition of the animals; and where there is concern they shall be required to investigate and to take appropriate action. All members of the University or other persons may bring to the attention of the AEC or the Animal Welfare Officer any concern regarding compliance with this code.
- ii.) Approvals shall be subject to post approval monitoring in order to ensure compliance with any conditions of approval.
- iii.) The AEC shall be responsible for ensuring compliance with approvals and can require a University member through their Head of Department to either modify (as directed by the Committee) or to stop their teaching or research programme involving live animal usage.

4 (c) Reporting of Animal Use

All animal use approved by the AEC must be reported at yearly intervals on the appropriate forms provided by the AEC each year in January for the previous 12 calendar month year. These records shall comprise the records required under the Animal Welfare Act 1999 and by the University of Auckland, and shall include records as defined in section 4 of the Animal Welfare (records and statistics) Regulations 1999.

- i.) The name of each species of animal as defined in the Animal Welfare Act 1999 manipulated or used.
- ii.) The number of animals of each species manipulated or used.
- iii.) The purpose for which each animal was manipulated or used.
- iv.) The source of supply of each animal manipulated or used.
- v.) The status of each animal manipulated during the year.
- vi.) The number of each species used or manipulated during the year which had or had not been previously used or manipulated.
- vii.) The fate of each animal as specified in the Animal Welfare Act 1999;
and separately,
- viii.) The number of animals of each species killed for tissue collection without prior manipulation will be reported to the AEC for University of Auckland use. These numbers will not to be included in the report to MAF.

The Secretary of the Animal Ethics Committee shall maintain the records for the University and make them available as required in terms of the regulations.

4 (d) Responsibility

The Responsible Investigator shall accept primary responsibility for work undertaken including the selection of an appropriate animal species, the choice of the number of subjects, the nature of the procedures and all matters related to the continuing welfare of the animals and their ultimate disposal according to the principles outlined in this ethical code.

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5. Approval of protocols

In considering whether to approve a use of animals, the AEC will require to be satisfied that all Criteria listed in section 100 of the Animal Welfare Act 1999 have been considered, in addition to the following, each of which the applicant is specifically required to address in their application to the AEC.

- i.) For all applications:
 - a. That the proposed use of animals is desirable and that there are no practical alternative approaches which avoid the use of animals, yet achieve the identical goal.
 - b. That the species is appropriate on scientific, technical, humanitarian and educational grounds for the procedures proposed to allow extension of the body of knowledge in the case of a research proposal or provide the desired educational aim in the case of a teaching proposal.
 - c. the applicants shall provide details about who is to care for the animals, who is to perform any manipulations and who has primary responsibility for their care and for the experiment /teaching.
 - d. The fate of all animals at the end of the experiment/teaching must be stated. If they are to be destroyed either as part of the manipulation or subsequently, the means of euthanasia and personnel involved must be approved by the AEC. The means of euthanasia and disposal must comply with methods considered by the AEC to be humane and generally in accord with standard practice.
 - e. That the animal has been lawfully acquired and that the animal is appropriate for the proposed use. Where possible animals should be used that have been specifically bred for research and teaching, or sourced from an appropriate source.
 - f. The AEC must be satisfied that during operative procedures, appropriate anaesthesia is used to eliminate sensitivity to pain. Where recovery from anaesthesia is not intended, the animal must be killed in a humane way at the conclusion of the experiment.
 - g. Where animals are to be housed, the applicants shall provide details of where and how the animals are to be housed
 - h. That adequate measures will be taken to ensure the general health and welfare of animals before, during, and after manipulation
 - i. That suitably qualified persons will be engaged in supervising and undertaking the research or teaching
- ii.) That in the case of a research protocol,
 - a. The AEC must be satisfied that there is a good reason to believe that the findings will add to the scientific understanding of biological functions and behaviour, or will extend the body of knowledge aimed at improvement in the health and welfare of humans, or animals, or the productivity of animals.
 - b. The number of animals used will be minimised to ensure that no more animals are used than are necessary to ensure unequivocal interpretation of the findings. An indication of the maximum number likely to be used shall be given in the application. Evidence shall be provided that the experimental design is adequate.
 - c. The investigator shall state whether the protocol is a duplication of previous work. Duplication shall in general only be considered ethical if evidence is provided that the original study requires scientific validation, or if the study was flawed or inadequate such that the conclusions were invalid.
 - d. That there is a commitment to making the results of research protocols available to the wider community through publication of results.
- iii.) That in the case of a teaching protocol
 - a. The AEC recognises that this is a prime function of the University of Auckland and shall approve such applications where it is satisfied that there is an appropriate educational objective which is best met by the use of live animals.
 - b. The AEC requires to be satisfied that the number of animals to be used is the minimum compatible with the educational objective.
 - c. That there is a commitment to ensure teaching staff report to the AEC the results of a student questionnaire designed to monitor the implementation of the ethical use of animals in teaching.
- iv.) Graduate education is an essential role of the University and application for the use of animals for research towards a dissertation thesis shall be **made by the supervisor** and shall be considered with respect to both educational and research objectives.
- v.) The AEC will not approve the use of a neuromuscular blocking agent without concurrent use of appropriate anaesthesia, mechanical pulmonary ventilation and monitoring.
- vi.) The AEC will not approve the use of an endangered or threatened species unless the findings are expected to assist the management and conservation of that species.

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6. **Husbandry and care of animals**

Procedures and policies shall be established to ensure that animal facilities and husbandry practices are operated in accordance with accepted good practice and scientific knowledge for each species held. Managers are responsible for internal audits against these procedures and policies, with reports copied to the AEC. Facilities must be operated by a suitably qualified manager and must be adequate to allow for the general health and welfare of the animals at all times. The manager shall work in close cooperation with the AEC and the Animal Welfare Officer, ensuring that any significant animal welfare concerns are reported through either the AEC or AWO. The manager is responsible for supervising the animal technicians that care for animals on a daily basis.

Animals will be inspected at appropriate intervals (at least daily where housed) by persons with sufficient expertise to recognise any animal with ill health, or in distress. Facilities must be available, provision made and authority given to those in immediate care of the animal to allow for immediate humane destruction of animals if pain and distress cannot be held within approved levels.

7. **Modifications to the Code of Ethical Conduct**

Amendments to this code shall be subject to the approval of the Director-General of the Ministry of Agriculture and Forestry (as required in accordance with the Animal Welfare Act 1999).

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Appendix 1.

The Protected Disclosures Act 2000 ("The Act")

Preamble

This Act came into force on 1 January 2001 and applies to the University of Auckland.

The Act establishes a "whistleblower" protection scheme designed to facilitate the disclosure and investigation of serious wrongdoing by or within organizations. It provides immunity from civil, criminal or disciplinary proceedings for employees who make a disclosure in accordance with the provisions of the Act. The Act also protects whistleblowers against retaliatory action by their employer so long as the whistleblower has acted in accordance with the Act.

The protection afforded by the Act does not apply where the person who makes a disclosure of information makes an allegation known to that person to be false or otherwise acts in bad faith. Disclosures to the media are not protected under the Act.

Definition of Serious Wrongdoing

"Serious Wrongdoing" is defined in the Act to include any serious wrongdoing of any of the following types:

- (a) an unlawful, corrupt, or irregular use of public funds or public resources; or
- (b) an act, omission, or course of conduct that constitutes a serious risk to public health or public safety or the environment; or
- (c) an act, omission, or course of conduct that constitutes a serious risk to the maintenance of law, including the prevention, investigation, and detection of offences and the right to a fair trial; or
- (d) an act, omission, or course of conduct that constitutes an offence; or
- (e) an act, omission, or course of conduct by a public official that is oppressive, improperly discriminatory, or grossly negligent, or that constitutes gross mismanagement.

The Act also gives an extended meaning to "Employee" so as to include a former employee; a person seconded to the University; an individual who is engaged or contracted under a contract for services to do work for the University; and a person concerned in the management of the University.

Summary of the University's Obligations

The Act requires each public organization to set up internal procedures for receiving and dealing with information about serious wrongdoing in their organization. These procedures must identify the persons/officers in an organization to whom a disclosure may be made and effectively require that any employee who makes a protected disclosure or person who is accused of wrongdoing through a disclosure receives a fair hearing.

The following procedures are introduced to operate on a trial basis during 2001 to determine if they are appropriate for handling protected disclosures thereafter.

Protected Disclosure Procedures

1. The Council of the University of Auckland establishes these procedures in conformity with the Act and its duties under section 181(f) of the Education Act 1989.

Compliance with the Act

2. Consistent with the provisions of the Protected Disclosures Act 2000 the University wishes to promote the public interest:

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- (a) by facilitating the disclosure and investigation of matters of serious wrongdoing in or by the University; and
- (b) by protecting employees who, in accordance with the Act, make disclosures of information about serious wrongdoing in or by the University.

Disclosure

- 3. An employee wishing to disclose information about serious wrongdoing in or by the University may make a protected disclosure in accordance with the Act and these procedures.
- 4. An employee of the University may disclose information in the manner provided by the Act if:
 - (a) the information is about serious wrongdoing in or by the University; and
 - (b) the employee believes on reasonable grounds that the information is true or likely to be true; and
 - (c) the employee wishes to disclose the information so that the serious wrongdoing can be investigated; and
 - (d) the employee wishes the disclosure to be protected.
- 5. Disclosure of serious wrongdoing should be made without delay for either internal or external investigation. If the employee seeks assistance with preparing their disclosure they may approach the Executive Officer for such advice and assistance as may be appropriate in the circumstances.

Internal Investigation

- 6. Disclosure should be made, in the first instance, to the Executive Officer, Office of the Vice-Chancellor, unless the employee believes on reasonable grounds that the Executive Officer:
 - (a) is or may be involved in the serious wrongdoing alleged in the disclosure; or
 - (b) is, by reason of any relationship or association with a person who is or may be involved in the serious wrongdoing alleged in the disclosure, not a person to whom it is appropriate to make the disclosure.

If so the disclosure should be made to the Registrar [and Assistant to the Vice Chancellor], unless the employee has either of those same beliefs about the Registrar. In that case the employee may make the disclosure to the Vice Chancellor. The office of the Vice-Chancellor is at 24 Princes Street, Auckland.

Duty of Recipient

- 7. Where the recipient of a disclosure becomes aware that they may have any involvement in the serious wrongdoing, or have any relationship or association with an alleged wrongdoer or any pre-conception that would make it inappropriate for the recipient to investigate the serious wrongdoing, the disclosure shall be referred in the prescribed sequence to whichever of the officers referred to in paragraph 6 has no such involvement, relationship, association or pre-conception. The employee making the disclosure shall be advised accordingly.

Conduct of Investigation

- 8. Every person to whom a disclosure is made or referred must:
 - (a) use their efforts not to disclose information that might identify the person who made the disclosure unless:
 - (i) that person consents in writing to the disclosure of that information; or
 - (ii) the person who has acquired knowledge of the disclosure reasonably believes that disclosure of identifying information:

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- Is essential to the effective investigation of the allegations in the disclosure; or
 - Is essential to prevent serious risk to public health or public safety or the environment; or
 - Is essential having regard to the principles of natural justice.
- (b) give full consideration to the information disclosed with an open mind and have due regard to all relevant considerations in deciding whether or not to investigate the alleged serious wrongdoing or take any action.
- (c) advise the employee of their decision whether or not to investigate the alleged serious wrongdoing and the reasons for that decision within 20 working days after the date on which the disclosure was made.
- (d) where they determine that the allegations should be investigated:
- (i) ensure that the person(s) allegedly involved in the serious wrongdoing are informed of the allegations;
 - (ii) afford a fair and unbiased hearing on due notice to the employee and the person(s) allegedly involved in the serious wrongdoing.
- (e) Report the outcome of the investigation to the employee, the person(s) allegedly involved and the Council of the University.

External Investigation

9. Where the employee making the disclosure believes on reasonable grounds that:
- (a) the Vice-Chancellor is or may be involved in the serious wrongdoing alleged in the disclosure; or
 - (b) the immediate reference to an appropriate authority is justified by reason of the urgency of the matter to which the disclosure relates or some other exceptional circumstance; or
 - (c) there has been no action or recommended action on the matter to which the disclosure relates within 20 working days after the time on which the disclosure was made;

disclosure of the information may be made to an "appropriate authority" as defined in the Act. The Executive Officer or the Registrar will assist the employee if need be in selecting the appropriate authority.

Further Investigation

10. A disclosure of information may be made to a Minister of the Crown or an Ombudsman if the employee making the disclosure:
- (a) has already made substantially the same disclosure in accordance with clauses 6 to 8 or clause 9 of this procedure; and
 - (b) believes on reasonable grounds that the person or the appropriate authority to whom the disclosure was made:
 - (i) has decided not to investigate the matter; or
 - (ii) has decided to investigate the matter but has not made progress with the investigation within a reasonable time after the date on which the disclosure was made; or
 - (iii) has investigated the matter but has not taken any action in respect of the matter nor recommended the taking of action in respect of the matter, as the case may be; and

(c) continues to believe on reasonable grounds that the information disclosed is true or likely to be true.

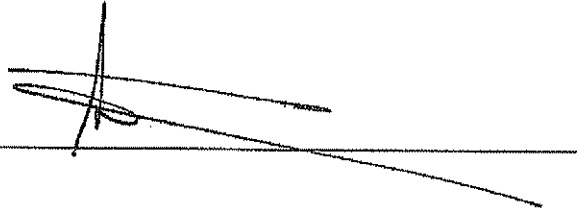
11. A disclosure under clause 10 may be made to an Ombudsman only if it has not already been made to an Ombudsman (as an "appropriate authority") under clause 9.

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This is to certify that the code holder undertakes to conform with all the requirements of the Animal Welfare Act 1999 and will ensure that all persons involved in the animal manipulations and carrying out of these activities are appropriate persons according to that Act. It is accepted that the code holder is also responsible for distributing information on requirements of the Act to the Animal Ethics Committee to help ensure that the Animal Ethics Committee follows the requirements of the law.

Signature of applicant: _____

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, written over a horizontal line.

Date: _____

08.10.2007

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