

## Grounds for Embargo Guidelines

### Purpose:

To provide guidelines for Supervisors and postgraduate research students where an embargo or restriction may need to be applied to their thesis or dissertation.

### Principle:

*It is the University's intention that candidates for postgraduate research qualifications should undertake research 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.

In principle, postgraduate research should not proceed unless eventual disclosure is possible, although it is accepted that a temporary embargo or restriction may on occasion be appropriate. 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](#).

**It is important that embargoes and restrictions be the exception rather than the norm.**

The student, as author of the work, may find possible grounds for embargo or restriction might occur when harm could come about through the following circumstances (Sections 1-5). Under no circumstances may any other person/body require any modification to a student's thesis or dissertation; this could include a request for modification (including deletion) to the text, any section within the text. During an embargo period, Lincoln University will only supply a copy of the work with the author's permission.

### 1. Commercially Sensitive Information

Disclosure of commercially sensitive information (typically covered by an Agreement with an external party).

- (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 Research Management office (RMO) for advice.
- (b) Students must not use or disclose confidential information for any unauthorised purpose.
- (c) Students must complete and return a confidential agreement to Research Management Office

- (RMO) 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 Lincoln University in any way and/or that may be of commercial interest to the University.
- (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 Standards Act \(2001\)](#) to conduct disinterested enquiry and to disseminate the results of research as soon as practicable.
  - (f) Students should not disclose material that has been provided on condition that it not be disclosed, such as survey responses and raw data.
    - i. University research should be open to scrutiny and an essential part of that process is an assessment of the evidential basis of research.
    - ii. 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 or dissertation.

## 2. Intellectual Property Protection Required

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

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

## 3. Academic Publication

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

- (a) Harm, in this circumstance, would relate to the effect on the student's career if release of the thesis or dissertation would enable a rival researcher or group to publish competing material first.

## 4. Copyright

If a student has included third party copyright material, such as an image, in their work they will need to gain permission from the copyright holder to include that material.

- (a) Third party copyright is material to which another person or entity holds the rights. This can include items such as images; maps; photographs; or tables etc.
- (b) Lincoln University provides a [sample MS Word form](#) for student use to request permission. These forms must be retained by the student in case of future dispute.
- (c) If permission cannot be obtained the student must submit two files to the Research Archive.
  - I. One file should be complete, with all material (including third party) included
  - II. The second file should have non-permitted third party material removed with an equal sized space inserted to ensure identical pagination. Citations and references should not be removed.
- (d) The University Librarian may at any time apply an immediate embargo or restriction if there is a perceived breach of copyright.

## 5. Privacy

It is a primary responsibility of supervisors and candidates to report research carefully in such a way that the confidentiality of participants is protected.

- (a) Students and supervisors should choose research topics and information sources carefully and should not disclose information that is personal or private and that could breach obligations under [The Privacy Act 1993](#).
- (b) If using externally sourced data, the student should not make any commitment to that company giving it rights over the outputs derived from it.
- (c) All research involving human participants shall follow the policies and procedures of the Lincoln University [Human Ethics Committee](#).

### Authority to Approve Embargoes:

The Supervisor and University Librarian have approval for sign-off on embargoes and restrictions. Candidates 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 Supervisor via completion of the Embargo Notification Form. This form is then sent to Lincoln Research Management Office, who manage a register of embargo requests. Lincoln Research Management Office will also ensure that the appropriate contracts are in place when the reason for the embargo are to protect commercially sensitive information.

*Note: During the period of the embargo the thesis or dissertation document will be treated as confidential and only viewed with the author's permission. Details of the author, title, abstract, keywords etc. would still be publicly accessible. LTL staff working within the deposit process would only access the document to fulfil deposit process requirements.*

### Period of Embargo, Extensions and Early Release:

The period of the embargo will not normally exceed two years from the date on the student's Graduation Clearance Letter. Extensions to the embargo period may be granted only in the most exceptional circumstances, and where the lack of an extension would cause significant hardship to the author.

Applications for changes to the embargo period can be made directly to Library, Teaching and Learning via 'Ask Us' <http://library.lincoln.ac.nz>, who will consult with Lincoln Research Management Office if the embargo relates to the protection of commercially sensitive information. The University Librarian retains responsibility for approving any change to the embargo period.

**Audience:**

Supervisors

Postgraduate Students

**Document Management Control:**

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