

## TERMS OF REFERENCE

### RESEARCH DATA GATEKEEPER COMMITTEE (RDGC)

#### 1 Establishment of the committee

The Research Data Gatekeeper Committee at the NWU (“NWU-RDGC”) is a committee convened by the Registrar and includes the Director Research Support, the Research Ethics Support Coordinator and other staff of the Research Support Department.

It is important to note that the NWU-RDGC is not regarded as part of the research ethics process, since the function of reviewing research ethics matters is the responsibility of the relevant Research Ethics Committees that operate as sub-committees of Faculty Boards.

#### 2 Functions

- 2.1 To evaluate all research data requests that require access to NWU data and NWU staff and students against the prescripts of the Protection of Personal Information Act (No. 4/2013).
- 2.2 To ensure that in instances where NWU stakeholders would be requested to participate in research projects as research subjects
  - that these subjects would be recruited in an open and voluntary way;
  - that a transparent and objective process is followed in obtaining data from such individuals
  - that any identifiable personal information is obtained with full informed consent from such subjects and not from any other sources or databases.

#### 3 Authority

##### 3.1 Approval process for internal and external researchers or students wishing to involve NWU stakeholders as research subjects

Types of projects that would need to go through the NWU-RDGC process

- 3.1.1 With regard to projects aimed at improving the core business of the NWU and for which strategic funds as per the prescribed approval process have been availed, the application already needs to account for the adherence to stipulations mentioned in 2.2 above
- 3.1.2 For the following other projects, the prescribed process (as explained in paragraph 3.2 below) needs to be followed:
  - Any external researcher or student (i.e. not formally associated with the NWU) ) seeking access to NWU data or from NWU stakeholder groups;
  - NWU students using the data to complete the research part of their formal qualification;
  - Any NWU-associated researcher wishing to use the data as part of a research project with the aim of publishing the outcome.

##### 3.2 Application process

- 3.2.1 The following documentation sets must be submitted by e-mail to [nkosinathi.machine@nwu.ac.za](mailto:nkosinathi.machine@nwu.ac.za) :
  - The NWU-RDGC application form (duly completed), which includes but is not limited to the following information:

- Contact details of the researcher or student and the supervisor/promoter under whose supervision the empirical work is to be conducted;
  - A stipulation of the research period;
  - A motivation why the data must be gathered from the NWU stakeholder group;
  - A full description of the data to be gathered;
  - A full description of the procedure and method used to identify and recruit research participants;
  - A full description of the data gathering process.
  - A thorough explanation on how the researcher will adhere to the Protection of Personal Information Act 4 of 2013 in the identification, recruitment and data gathering process of the project.
  - Proof of **final approval** of the research project, including **final or conditional** ethical approval (pending the RDGC's approval), by the relevant institution. (The implication hereof is that the ethics-approval process should have been concluded before an application to the RDGC is made.)
  - The approved research proposal.
- 3.3 The RDGC has the mandate to make the request available to the Executive Dean of a faculty in which the particular request might require input and advice from the particular faculty.
- 3.4 The RDGC meets monthly after which the feedback in writing is provided to the relevant researcher.
- 3.5 If required, external researchers will be assisted by the Research Ethics Support Cluster to gain access to the relevant stakeholder group by means of introduction with the relevant stakeholders who are able to provide them with access to various NWU media on line platforms to create awareness about their research study.
- The Research Support Ethics Cluster will not take the responsibility to invite research participants or to gather data on behalf of the researcher.
- 3.6 Approval to gather data will be granted for a limited period of one year, as stipulated on the permission-granted letter. Any changes to the research protocol within the permission period must be communicated to the NWU-RDGC. Failure to do so will lead to withdrawal of the permission.

#### 4 Data gathering from student groups

- 4.1 The same procedure as explained in 3.2 will be followed, the request can be made available to the Executive Director Student Life for input and advice, if necessary.

#### 5 The NWU's position on seeking ethical approval on gatekeeper applications by external researchers from faculty ethics committees

- 5.1 It is accepted by the RDGC that decisions by external institutions' research ethics committees should be acknowledged and honoured. Consequently, in the instance that researchers from institutions outside of the NWU have applied for access to research data and have indicated that approval from their own institutions' Research Ethics Committee' (REC) have already been received, the RDGC will send the external application to the designated NWU faculty REC to perform an expedited review of the study to ensure that all ethical aspects of the study have been addressed to the satisfaction of the NWU's research ethics standards.

## 4 Membership

### 4.1 Composition

The composition is as follows:

(Example follows in table below)

	Chairperson	Term
(1)	Registrar	

	<b>Standing members</b>	
(2)	Director: Research Support	
(3)	Research Ethics Support Coordinator	
	<b>Representing members</b>	
(4)	Special expertise (on invitation and in line with 4.4 below)	
(5)	Representative:	
(6)	Secretariat support	

## 4.2 Appointment of members

(Who appoints the members and how? Elections, nominations and terms of office)

The Registrar's office, in consultation with the Research Support Department, suggests possible candidates. Members of the committee are appointed upon being approved by the standing committee members.

## 4.3 Appointment of Chairperson and acting Chairperson

(Who appoints the chairperson and acting chairperson? How?)

The Registrar acts as chair, in the absence of the Registrar the Director: Research Support will act as chair. The vice-chairperson is selected and appointed by the committee and need not be appointed by the Registrar's Office.

## 4.4 Co-opted members, observers and visitors

(Who appoints co-opted members, observers? Who can attend? How does the committee deal with visitors?)

The RDGC co-opts members as and when needed. Since the RDGC functions within a strictly confidential environment, observers and visitors will only be allowed in exceptional cases and for a specific purpose. In such cases a confidentiality agreement must be signed. Researchers may be invited to attend the discussion of their application and to be present to clarify any uncertainties.

## 4.5 Voting rights of members

(Who can vote? Is voting done by secret ballot or show of hands?)

All members have voting rights. Co-opted members, observers and visitors will not have voting rights.

## 4.6 Secretariat

Secretariat services are provided by Corporate and Information Governance Services.

## 5 Meeting arrangements

The following meeting arrangements apply:

Frequency	On a monthly basis.
Extraordinary meetings	Further meetings of the Committee or its work teams may be held as necessary and will be dealt with in terms of the provisions of the NWU Statute.
Quorum	The quorum of the meeting will be half (50%) of all the members, excluding vacant positions.
Notice of the meeting	At least 21 days before the meeting date, the Secretariat electronically notifies of the time and place where the meeting is to be held. The minutes of the previous meeting will be enclosed and members are requested to provide the Secretariat with input by the closing date for the agenda. Should no response be received by this time it will be assumed that the members agree with the record.
Agenda	At least 7 days prior to the meeting, the Secretariat provides the complete agenda pack electronically to all members. Members who prefer a hard copy must inform the secretariat accordingly.
Attendance register	An attendance register will be circulated by the Secretariat at the beginning of each meeting. Every member present must sign the attendance register. The attendance register is proof of attendance for purposes of minuting and payment of honorariums.
Confirmation of Minutes	An ordinary meeting, after being constituted and opened, commences with reading and confirming (by means of the chairperson signing) of the minutes of the previous meeting(s). Any objection to the minutes is raised and disposed of before the minutes are confirmed. The minutes may be regarded as read if a copy of the draft minutes was provided to members prior to the meeting. Minutes will be a true reflection of the previous meeting, and will contain all views expressed under the heading "noted". Decisions made by the committee will reflect under the heading "resolved".
Decision-making process	Matters are decided by means of general consensus. The Chairperson might however decide when a decision should be taken by means of a voting procedure.

	<p>The Chairperson may decide that voting must be by secret ballot, provided that voting for persons must always be by secret ballot.</p> <p>The Chairperson has an ordinary vote, but may in addition exercise a casting vote in the event of an equality of votes on any matter.</p> <p>The number of votes in favour of or against any proposal is not recorded in the minutes, unless the Chairperson so decides.</p>
<b>Revoking of a resolution</b>	<p>The revoking of any resolution entails a formal process by means of which a member of the RDGC is to table a formal written request for a rescission, motivating the reason for the review of the resolution in question, as well as providing a suggestion for a resolution.</p>
<b>Conflict of Interest</b>	<p>A member may not take part in the discussion of or vote on any matter in which the member has a direct financial or other interest, unless the members first discloses the nature and extent of the interest and obtains the leave of the meeting to take part in the discussion or to vote.</p> <p>All committee members must indicate any conflict of interest at the agenda point allocated therefor and must also indicate a conflict of interest on the attendance register by indicating the agenda item where the conflict arises in writing next to his/her name.</p>
<b>Point of Order</b>	<p>A point or order, clarification or information may be raised against any member, in which instance the ruling of the Chairperson is binding. The ruling of the Chairperson is binding and cannot be challenged.</p> <p>Should the above point of order, clarification or information be immediately challenged by a member, the ruling is put to the meeting for determination – without it being discussed, and the decision of the meeting is final.</p>
<b>Disrespectful / Disorderly conduct</b>	<p>Anyone attending a meeting who, after having been requested to refrain from disrespectful or disorderly conduct, continues to disobey a ruling from the Chairperson, must be requested to leave the meeting.</p> <p>If that person does not leave the meeting immediately, such a person could be removed from the meeting with the assistance of Protection Services.</p>
<b>Voting</b>	<p>All matters are decided by majority of votes cast.</p> <p>The Chairperson or the meeting may decide that voting must be by secret ballot, provided that voting for persons must always be by secret ballot. (Para 9(16) of the NWU Statute).</p> <p>The Chairperson has an ordinary vote, but may in addition exercise a casting vote in the event of an equality of votes on any matter.</p> <p>The number of votes in favour of or against any proposal is not recorded in the minutes, unless the meeting so decides.</p> <p>At the request of a member the chairperson may direct that the vote of such member be recorded.</p> <p>The views of a member who is unable to attend a meeting may be submitted in writing but may not count as a vote of such member.</p>
<b>Apology</b>	<p>An apology will be noted when a member electronically submits it to the Secretariat and/or the Chairperson, at least one day prior to the meeting.</p> <p>Members absent from the meeting without above mentioned apology are noted as "without apology".</p> <p>The views of a member who is unable to attend a meeting may be submitted in writing but may not count as a vote of such member.</p>
<b>Recording of meeting</b>	<p>At the opening of the meeting, the chairperson indicates that a recording will be made for minute purposes.</p>
<b>Round Robin Process</b>	<p>The chairperson may electronically submit urgent matters in between scheduled meetings. The Secretariat will assist in this process.</p> <p>At least two thirds of the members have to electronically confirm their involvement in the process by giving feedback, approval or non-approval. When a majority of members reaches agreement it is taken as a resolution. The secretariat shall continue submitting the request for round-robin until response had been received from at least two-thirds of the members</p> <p>Such resolution is equivalent to a resolution of the committee and must be recorded in the minutes of the next meeting.</p>
<b>Resources and Budget</b>	<p>A centralised budget regarding the matters of this committee managed within Corporate and Information Governance Services.</p>

	The travel and accommodation costs of external members will be paid according to the approved guidelines for travel and accommodation of council members.
<b>Records management</b>	All records of the committee (terms of reference, membership list, agendas, minutes, attendance register, correspondence, etc.) will be kept electronically and hard copy and the hard copy sent to the Archives and Museum for permanent preservation. Committee members have automatic access to all records of the committee. All other interested parties must complete a request form in terms of the Promotion of Access to Information Act, which will be assessed in terms of the prescriptions contained in the Act.

## 6 Reporting

This committee reports to *(name of structure and when/frequency)*

Senate Committee for Research and Innovation as well as the Compliance Committee.

## 7 Approval and review

The following documents guide the operations of this committee:

*(complete if applicable)*

Document	Status	Authority	Date
Research Ethics Policy and Terms of Reference	Approved	Council	22 November 2018
POPI & PAIA Act	Adopted	Council	TBC

Original details: (20821352) H:\1. GOV\1.3 \_Structures\1.3.41 Research Data Gatekeeper Committee\1.3.41.1 Terms of reference\2019\2019.02.22\_RDGC ToR.docm  
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