



Tertiary Education Commission
Te Amorangi Mātauranga Matua

Performance-Based Research Fund

Sector Reference Group – Consultation Paper #5

**Peer review panel establishment and conflict of
interest policy**

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Purpose

1. This paper has been prepared as part of the consultation for the design of the 2018 Performance-Based Research Fund (PBRF) Quality Evaluation. Specifically it:
 - provides background information on previous selection processes and the conflicts of interest policy;
 - sets out the proposed approach to selecting chairs and members of peer review panels for the 2018 Quality Evaluation;
 - proposes changes to the conflict of interest policy that governs panellists; and
 - seeks feedback on the proposed approach and changes.
2. This approach excludes the appointment of Moderators. The role of the Moderators is to ensure that the process of assessment and standards are consistent across peer review panels, and that the PBRF guidelines are properly adhered to. This requires individuals to have specific PBRF experience, either at strategic or operational level and as such have been drawn from peer review panels or the SRG in the past. Individuals are also expected to have experience in the moderation of assessments. Due to the specialised nature of the role, these individuals will be appointed directly by the Tertiary Education Commission (TEC) as they have been in previous Quality Evaluations.

Design principles for the 2018 Quality Evaluation

3. The work of the Sector Reference Group (SRG) in the design of the 2018 Quality Evaluation is based on the following principles and considerations:
 - upholding the objectives and aims of the Performance-Based Research Fund (PBRF) set out in Appendix 1;
 - drawing on the lessons learned as part of the previous Quality Evaluations;
 - accessing relevant experience and expertise across the SRG and the wider tertiary education sector;
 - ensuring that any proposed changes are exposed to rigorous sector and expert scrutiny;
 - achieving a level of consensus regarding how the 2018 Quality Evaluation should be conducted; and
 - avoiding changes that result in unreasonable compliance or high costs unless there is a robust rationale that indicates changes will result in significant improvements.

Background

Panel selection processes

4. The Quality Evaluation process requires the TEC to establish interdisciplinary peer review panels (“the Panels”) consisting of disciplinary experts from within New Zealand and overseas for the purpose of assessing research quality. Further information on the

role and responsibilities of Panels and panellists can be found in the [Performance-Based Research Fund Quality Evaluation Guidelines 2012](#) (“the 2012 Guidelines”).¹

5. With the appointment of panels for the 2012 Quality Evaluation, the TEC aimed to achieve where possible:
 - the highest quality of panel composition;
 - fair gender representation;
 - panels with some continuity of membership between peer assessment rounds;
 - Māori representation on all panels; and
 - Pacific peoples representation on panels where possible.
6. In addition to this, consideration was also given to the following factors:
 - average representation from overseas of around 25% (or more if necessary to achieve coverage of subject disciplines) to ensure the credibility of the peer assessment process and to provide an international quality benchmark;
 - reasonable representation from the research-commissioning and research-user communities of interest;
 - reasonable representation from across different organisation types, while maintaining the credibility of panels to make expert judgements;
 - reasonable spread of membership across tertiary education providers and other organisations, to ensure no one organisation is favoured;
 - applied / practice-based researchers, other researchers and members from outside academia;
 - staff who, in terms of their institutional, professional and personal relationships, are unlikely to face conflicts of interest; and
 - adequate representation of experts with different types of research focus or different underpinning principles within a discipline.
7. For the 2006 and 2012 Quality Evaluation exercises, two separate processes led by the TEC were conducted to identify and appoint the Panel Chairs and Panel members.
8. The Chair selection process required suitable candidates (including alternative candidates) being identified by the incumbent and previous Principal Moderators, and the Deputy Moderators where possible. Previous Chairs, other panel members, and outside experts could also be consulted when this was possible and prudent.
9. The following criteria were applied when considering suitable candidates for the role of a panel Chair:
 - the desirability of drawing upon existing New Zealand-based panel members;

¹ TEC, PBRF: Quality Evaluation Guidelines 2012, May 2013, pp.95-97.

- the need to appoint people of high academic standing and with good chairing skills, especially those with previous experience in chairing assessment panels;
 - the desirability of avoiding the appointment of people who would face numerous conflicts of interest;
 - the desirability of appointing people from different subject areas (to the previous chairs) where feasible; and
 - the desirability of ensuring an appropriate balance in terms of institutional affiliation, gender and ethnicity.
10. The TEC Board of Commissioners approved the appointments of Chairs to the 2012 Quality Evaluation in November 2010.
 11. Panel members were appointed in a two-stage process with the TEC's Chief Executive making the final decision on all panel appointments based on recommendations from the Chairs.
 12. The first stage sought candidates through an open nomination process. Chairs used selection criteria (Appendix 2) to recommend an initial cohort of candidates (including a Deputy Chair) to provide general coverage of the identified subject areas of each panel and develop the panel-specific guidelines. The Moderators provided feedback on the composition of the panels from subject, TEO representation, gender, ethnicity and international representation and advice on potential nominees who may be available to fill the gaps.
 13. The second stage took place once Evidence Portfolios (EPs) were received by the TEC. Chairs recommended a second cohort of candidates to address gaps in the panel makeup and issues relating to panel workload. These candidates were identified from those previously nominated or directly identified by the Chair or panel members with knowledge of potential candidates' areas of expertise. The Moderators also reviewed this cohort in relation to the overall panel composition goals.
 14. The TEC intended to appoint the initial cohort of panellists in March 2011 in order to finalise the panel-specific guidelines by June 2011, however due to the earthquakes in Canterbury the TEC decided to delay the appointment process in consideration of the Chairs and nominees based in the Canterbury region. Decisions on the initial cohort were made in April 2011 and the panel-specific guidelines were released for consultation in June 2011 with the final guidelines released in September 2011.

Conflicts of interest

15. All nominees were required to declare any conflicts of interest, considered to be direct, indirect or perceived, at different stages in the nomination, appointment and assessment processes. The policy regarding conflicts of interest and how these were determined in the context of PBRF was set out in the TEC's conflict of interest policy and in the 2012 Guidelines (Appendix 3) along with guidance on how these would be managed by panel Chairs and the TEC. The TEC's process also allowed for TEOs to register a conflict of interest relating to a panel member.
16. The policy was well understood by panels but some clarification was provided by the Moderation team to panels regarding what constituted a conflict at institutional and faculty level. This information was also provided to panels in 2006, and as such it was incorporated into the 2012 Guidelines in November 2011. As part of the assessment process, it was also decided that in order to avoid perceived conflicts of interest, a Lead panel assessor should not be from the same TEO as the staff member whose EP was

being assessed (where possible). The sector has also sought more specific advice on what could constitute a conflict within an organisation for an appointed panel member.

Proposed approach to establishing peer review panels

17. Following the 2012 Quality Evaluation, two of the panel recommendations to the TEC were to:

- review the composition of panels, with particular reference to the need for educational-based assessors in the MIST panel and other panels (i.e. ESOL expertise in the Education panel); and
- specify how Chairs should manage conflicts of interest when allocating EPs to panel pairs, and managing conflicts of interest identified at panel meetings.

18. [Feedback](#) from the Sector Reference Group's (SRG) initial consultation paper released in August 2014 identified that a review of the process for establishing and operating peer review panels would be welcomed and that the panel-specific guidelines needed to be provided to the sector much earlier in the process.

19. The SRG has reviewed the processes and information related to the establishment of panels and conflicts of interest, and has developed a proposed approach for the TEC to operationalise.

Panel composition

20. The SRG has reviewed the general goals for panel composition, specifically in reference to the areas where these goals were and were not achieved as part of the 2012 Quality Evaluation. This has also taken into consideration that there were specific Expert Advisory Groups (EAGs) for Pacific Research and Professional and Applied Research. These two EAGs will not be a part of the 2018 Quality Evaluation process; however the SRG is currently consulting on the establishment of a peer review panel for Pacific Research.

21. The SRG proposes a wider statement on representation in the overarching goal for panel composition; this includes reference to early career researchers, applied/practice-based researchers, as well as other researchers and members from outside academia in. The proposed statement for panel selection for the 2018 Quality Evaluation is set out below:

Peer review panels will aim to achieve where possible:

- the highest calibre of panel members, who jointly represent a comprehensive range of subjects and interests;
- an appropriate mix of new and previous panel members;
- fair gender representation;
- international representation of at least 25%;
- representation from across different sectors and other organisations; and

- the ability to represent:
 - *applied/practice-based researchers;*
 - *early career researchers;*
 - *inter-disciplinary researchers;*
 - *Māori researchers; and*
 - *Pasifika researchers.*

22. The SRG recommends that panel Chairs are provided with more specific advice on panel composition; this could potentially include a matrix of the required panel mix. This is likely to be based on the EPs received in 2012 and previous panel membership in order to determine appropriate levels of representation for other groups. Recommendations from the previous panel regarding specific composition issues can also be captured within this advice, which can be developed by the TEC with guidance from the Moderators.

Chair selection process

23. The SRG proposes an open nomination process using the existing selection criteria for identifying and appointing panel Chairs for the 2018 Quality Evaluation. This will increase the transparency of the nomination process, while using criteria that are considered appropriate for the appointments. The TEC would retain the right to supplement nominations through identifying individuals directly, particularly where gaps were identified or specific skills needed.

24. Appointments will continue to be made by the TEC with recommendations and advice will be sought from appropriate external experts, including but not limited to the incumbent and previous Principal Moderators, Deputy Moderators, and Sector Reference Group members. As part of the appointment process, the TEC may require Chairs whose employment includes management responsibilities for PBRF to stand aside from these activities, either for all or part of the duration of the appointment or when their appointment requires any decision-making to be made as part of a PBRF panel.

Panel selection process

25. The SRG proposes to maintain the open nomination process but has identified a need for a wider range of nominations from non-university based candidates. In the 2012 Quality Evaluation, 9.0% of the EPs were submitted by non-university tertiary organisations (polytechnics, Wānanga and private training establishments) however only 5.5% of nominations were received from non-universities and this was reflected in the 5.2% of non-university based panel members.² Raising awareness of the nomination process and the value that is placed on representation within other participating TEOs, research organisations and end-user groups such as industry and government is considered to be a key factor in addressing this issue.

26. The SRG also proposes to maintain the specific selection criteria (Appendix 2), the subject areas to be assessed by each panels, and the two-stage selection process. However the timing of development of the panel-specific guidelines, and therefore the

² 4.5% of all nominations were received from non-university tertiary organisations and 1% from non-tertiary organisations, while 3.1% of all panel members were based in non-university tertiary organisations and 2% from non-tertiary organisations.

appointment of the initial cohort, has been raised as an issue for the sector. As a result the following changes are proposed:

- The TEC will initiate the first stage of the selection process to appoint Chairs and an initial cohort of panel members for the purpose of developing the panel-specific guidelines for release in June 2016.
- The second stage of the selection process will be undertaken later in the process and finalised once EPs are received (July/August 2018 based on the timeline of the previous exercise) but a second targeted nomination process will be undertaken to identify candidates that meet the specific gaps identified by Chairs and Moderators. Chairs will still be able to directly nominate potential members but the second open process increases the transparency of the selection process.

27. There is the potential that appointing Chairs and an initial panel cohort early in the process may result in turnover if appointed individuals are unable to continue in the role. An early appointment could require a commitment of approximately three years, however there is significant benefit for the sector of having panel-specific guidelines as early in the process as possible. It is recommended that an initial selection of panel members of no more than five individuals (in order to cover subject areas) be appointed to draft the panel-specific guidelines.

Conflicts of interest policy

28. The SRG has reviewed the conflict of interest policy, specifically conflicts at institutional and faculty level, actions to be taken and the assessment of panellists' own EPs.

29. The review of the policy regarding conflicts at institutional and faculty level has specifically focused on reducing any negative impact that participation in peer review panels could have on a staff member's responsibilities to their employer, while maintaining a fair and robust assessment process.

30. The SRG seeks feedback on the proposed policy set out below.

Definition

In the PBRF Quality Evaluation process, individuals are appointed as peer review panellists in their own right, for their specific skills and expertise in both research and the assessment of research.

In this context, a conflict of interest is any situation where a panellist has an interest which conflicts or might conflict or might be perceived to conflict with the interests of the TEC in running a fair, impartial and effective peer review process.

While the conflict of interest itself is unlikely to be improper, it could lead to improper conduct or allegations of such conduct if not declared.

Note: In this context the term 'panellists' should be read to include panel Chairs, panel members, the TEC Secretariat, and other staff involved in the TEC processes.

Principles

The TEC's policy on conflict of interest is guided by the following principles:

- all conflicts of interest must be declared and recorded;
- a conflict of interest can be declared at any time during the process but must be done as soon as practicable;
- the panel Chair has discretion to take decisions on the action required in any situation;
- the action required depends on the nature of the conflict;
- all actions on declared conflicts will be recorded; and
- individual panellists can exclude themselves from panel discussions even if this is not required by the policy.

The policy is also guided by the fact that the Quality Evaluation process, through the use of panel pairs and wider panel assessment, ensures that no single panellist is responsible for the decision on the final Quality Category given to an EP.

Identifying a conflict of interest

In determining whether a conflict is present or not, there are two questions to ask:

Would a reasonably informed objective observer infer from the circumstances that the panellist's professional judgement is likely to be compromised in evaluating another researcher's Evidence Portfolio?

Does the interest create an incentive for the panellist to act in a way that would be contrary to the objectives of a fair, impartial and effective peer review process?

Examples of possible conflicts of interest

Examples of possible conflicts of interest can include, *but are not limited to*:

- assessment of one's own Evidence Portfolio (EP)
- assessment of the EP of:
 - a family member/partner or close personal friend;
 - a current colleague within the same small academic unit or research team;
 - a close colleague or someone reporting directly to the panellist or to whom the panellist currently reports;
 - a colleague with whom the panellist has a direct teaching and/or research collaboration; or
 - an academic who is undertaking Doctoral work under the supervision of the panellist.
- assessment of an EP where:
 - a panellist has a substantial research collaboration in the assessment period; or
 - both the panellist and the staff member may receive a personal financial benefit from a high Quality Category.
- any situation where the panellist considers they might not provide an objective review of another researcher's EP because of a direct, indirect or perceived conflict of interest, or where a reasonable observer would consider the panellist to be conflicted.

Conflict at institutional level

The following activities can be perceived as representing a conflict of interest for panellists:

- involvement in the internal assessment process the TEOs use to determine which EPs to submit to the TEC; and
- the provision by panellists of either general or specific advice or guidance on the preparation of EPs within their TEO.

The provision by panellists of general information and guidance about the assessment process within or outside their employing TEOs is not considered a conflict of interest by the TEC; however to ensure that the peer review process is perceived as fair, impartial and effective the TEC has determined the following rules apply to panellists:

- if the panellist is involved in the internal assessment of their TEO's EPs, or they have provided specific advice or guidance on individual EPs at their TEO, they are precluded from the assessment of EPs from their TEO at the individual assessment stage and can only contribute to panel discussions at the request of the Chair.
- if the panellist has no involvement in the internal assessment of their TEO's EPs, they have not provided specific advice or guidance on individual EPs at their TEO and they have no other conflict of interest, they will be precluded from being a Lead assessor for EPs from their TEO but they may be assigned as a second assessor.

When to declare a conflict of interest

A panellist may declare a conflict of interest at any time during the Quality Evaluation process. Conflicts must be declared as soon as practicable after the person concerned realises that a conflict exists however, the TEC would expect any new known or potential conflicts to be declared at the following points in the Quality Evaluation process:

- when first appointed;
- on assignment of EPs;
- at the beginning of peer review panel meetings; and
- when discussing an individual EP at the panel meeting.

Responsibilities

All interests must be recorded within the PBRF IT system, which will create an Interests Register.

All panellists are responsible for registering interests and undertaking any action required by the panel Chair.

The TEC's Secretariat is responsible for registering any interests submitted by TEOs, recording any action(s) that may be required, and monitoring the Interests Register.

The Chair of each panel, on the advice of the TEC secretariat, is responsible for deciding whether a conflict of interest exists in any instance.

The Chair of each panel is also responsible for ensuring that:

- all conflicts and any action(s) that may be required have been recorded in the Interests Register;
- appropriate action(s) is taken in respect of the conflict of interest during assignment, assessment and/or panel meetings; and
- the action(s) taken with respect to declared conflicts as part of the panel meeting process is recorded in the panel meeting minutes.

The Principal Moderator is responsible for considering conflicts of interest for Chairs and determining the appropriate action to be taken.

Actions to take

The nature of any action(s) to be undertaken by a panellist will depend on the extent of the conflict of interest. Most potential conflicts will be managed at the assignment stage of the assessment process, with conflicted panellists not being assigned individual EPs.

Actions may include, but is not limited to, one or more of the following:

- not receiving or being able to access an individual or group of EPs.
- having no involvement in the EP assessment at any stage and leaving the room when the EP is being discussed and decisions made at the panel meeting.
- having no involvement in the EP assessment at the individual assessment stage but remaining in the room when the EP is being discussed by the panel at the panel meeting, and participating in the discussion and/or decision-making if asked by the panel Chair.
- possible involvement in the EP assessment at the individual assessment stage (although not as the Lead assessor) and full participation in the discussion and decision-making on the EP.

The TEC may determine that a panellist's conflicts of interest are at a level that they may impact on the operation of a fair, impartial and effective evaluation process. In such a situation, the TEC reserves the right to stand-down a panellist.

Chair conflicts

Where the Chair has a conflict of interest, this must be declared to the Principal Moderator and the TEC's secretariat assigned to that panel. The decision on what action, if any, should be taken will rest with the Principal Moderator.

In these circumstances, the Principal Moderator may ask the deputy Chair to act as Chair for the period if it is decided that the Chair is unable to participate. If this is not appropriate, the Principal Moderator will ask another panellist to act as Chair for the period the Chair is unable to participate.

The TEC's Secretariat will be responsible for recording any action(s) undertaken in the panel meeting minutes.

Assessment of panellists own EPs

A member of the Moderation Panel, the TEC's Moderation Secretariat, or the TEC's internal auditor will be present during panel meetings when the EP of a panellist is being assessed.

When a panellist's own EP is being assessed by the panel, the panellist will leave the room. Other panellists from the same institution may also be required to leave the room. The Chair will be responsible for determining an appropriate quorum and seek the Principal Moderator's approval of this.

Conflict of interest raised by staff members

31. The SRG has also reviewed the process which allows staff members submitting an EP for assessment to submit a notice of conflict of interest in relation to a panellist under exceptional circumstances. These notices require a comprehensive summary of the actions or inactions leading to the alleged conflict in order for the Chair of the panel (or the Principal Moderator) to determine the appropriate course of action. A number of notices submitted to the 2012 Quality Evaluation contained no information on actions or inactions leading to the alleged conflict, referred to actions not considered to be conflicts of interest such as professional differences of opinion or hypothetical situations, or cited non-exceptional conflicts such as co-authoring and research and/or teaching collaborations.
32. Following this review the SRG proposes no change to the process however recommends that notices that do not contain information on the potential conflicts of interest or cite circumstances that do not meet the definition of a conflict of interest are returned to the TEO.

Providing feedback

33. Feedback is sought from the sector and other key stakeholders on the information outlined in this paper, as well as the options for consideration.
34. The SRG also welcomes feedback on any other matters not included in this paper that relate to the establishment of peer review panels and the conflict of interest policy.
35. Feedback can be completed:
 - online: <https://www.surveymonkey.com/s/XNSDXHJ>
 - or via email using the template provided on the TEC website, with completed templates being emailed to PBRFSRG@tec.govt.nz.
36. All feedback would be appreciated as soon as possible, but no later than 5pm 20 April 2015.

Appendix 1: Objectives and principles of the PBRF

Objectives of the PBRF

The primary objectives of the PBRF are to:

- increase the quality of basic and applied research at New Zealand's degree granting TEOs;
- support world-leading research-led teaching and learning at degree and postgraduate levels;
- assist New Zealand's TEOs to maintain and lift their competitive rankings relative to their international peers; and
- provide robust public information to stakeholders about research performance within and across TEOs.

In doing so the PBRF will also:

- support the development of postgraduate student researchers and new and emerging researchers;
- support research activities that provide economic, social, cultural and environmental benefits to New Zealand, including the advancement of Mātauranga Māori; and
- support technology and knowledge transfer to New Zealand businesses, iwi and communities.³

Principles of the PBRF

The PBRF is governed by the following principles:

- *Comprehensiveness*: the PBRF should appropriately measure the quality of the full range of original investigative activity that occurs within the sector, regardless of its type, form, or place of output;
- *Respect for academic traditions*: the PBRF should operate in a manner that is consistent with academic freedom and institutional autonomy;
- *Consistency*: evaluations of quality made through the PBRF should be consistent across the different subject areas and in the calibration of quality ratings against international standards of excellence;
- *Continuity*: changes to the PBRF process should only be made where they can bring demonstrable improvements that outweigh the cost of implementing them;
- *Differentiation*: the PBRF should allow stakeholders and the government to differentiate between providers and their units on the basis of their relative quality;
- *Credibility*: the methodology, format and processes employed in the PBRF must be credible to those being assessed;

³ The objectives were revised as a part of the Ministry of Education's review of the PBRF and agreed by Cabinet in February 2014.

- *Efficiency*: administrative and compliance costs should be kept to the minimum consistent with a robust and credible process;
- *Transparency*: decisions and decision-making processes must be explained openly, except where there is a need to preserve confidentiality and privacy;
- *Complementarity*: the PBRF should be integrated with new and existing policies, such as charters and profiles, and quality assurance systems for degrees and degree providers; and
- *Cultural inclusiveness*: the PBRF should reflect the bicultural nature of New Zealand and the special role and status of the Treaty of Waitangi, and should appropriately reflect and include the full diversity of New Zealand's population.⁴

⁴ These principles were first enunciated by the Working Group on the PBRF. See [Investing in Excellence](#), pp.8-9.

Appendix 2: Panel member selection criteria

Panel members are expected to both commit and participate fully in the Quality Evaluation process within their panel and more specifically to:

- understand the broad criteria under which the evaluations are to be made, to help revise and update panel-specific criteria where required, and to apply these objectively to the work of the panel;
- be diligent in their preparation for meetings and in completing tasks allocated to them by the panel Chair;
- contribute fully, constructively and dispassionately to all panel processes and take collective ownership for the panel decisions;
- maintain confidentiality of both the deliberations and decisions of the panel;
- exercise due skill and care in the performance of their responsibilities;
- devote adequate time to participate fully in the activities of the panel; and
- identify instances where they may have a conflict of interest, raise these with the panel Chair prior to the conflict occurring, and undertake by any and all actions required by the panel Chair.

The preferred attributes and qualities of a panel member are that they will:

- have significant and broad research expertise, either inter- or multi-disciplinary;
- have sufficient levels of knowledge and expertise across one or more of the range of disciplines that the panel is responsible for to apply expert judgements about quality against widely recognised standards of excellence;
- be able to operate within the guidelines in an objective, fair and dispassionate manner;
- have substantial experience in a peer review or research evaluation role;
- be able to operate effectively and productively as a member of a small, multi-disciplinary team over a pressured time period;
- have the confidence of their peers; and
- have a sound knowledge of the special role and status of the Treaty of Waitangi.

Appendix 3: Subject areas by panel

Subject areas for the 12 peer review panel in the 2012 Quality Evaluation are set out below.

Panel	Panel Identifier	Subject Area
Biological Sciences	BIOS	Agriculture and other applied biological sciences Ecology, evolution and behavior Molecular, cellular and whole organism biology
Business and Economics	BEC	Accounting and finance Economics Management, human resources, industrial relations, international business and other business Marketing and tourism
Creative and Performing Arts	CPA	Design Music, literary arts and other arts Theatre and dance, film and television and multimedia Visual arts and crafts
Education	EDU	Education
Engineering, Technology and Architecture	ETA	Architecture, design, planning, surveying Engineering and technology
Health	HEALTH	Dentistry Nursing Other health studies (including rehabilitation therapies) Pharmacy Sport and exercise science Veterinary studies and large animal science
Humanities and Law	HAL	English language and literature Foreign languages and linguistics History, history of art, classics and curatorial studies Law Philosophy Religious studies and theology
Māori Knowledge and Development	MKD	Māori knowledge and development
Mathematical and Information Sciences and Technology	MIST	Computer science, information technology, information sciences Pure and applied mathematics Statistics
Medicine and Public Health	MEDPH	Biomedical Clinical medicine Public health
Physical Sciences	PHYSC	Chemistry Earth sciences Physics
Social Sciences and Other Cultural/ Social Studies	SSOCSS	Anthropology and archaeology Communications, journalism and media studies Human geography Political science, international relations and public policy Psychology Sociology, social policy, social work, criminology and gender studies