

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wānanga o te Ūpoko o te Ika a Māui



AGREEMENT

BETWEEN

INTERNETNZ

AND

VICTORIA UNIVERSITY OF WELLINGTON

TO ESTABLISH

THE INTERNETNZ RESEARCH FELLOWSHIP IN CYBER LAW

November 2003

LAW SCHOOL

Te Kauhanganui Tatai Ture

P.O. Box 600, Wellington, New Zealand, Telephone +64-4-463 6366, Facsimile +64-4-463 6365

1. Introduction

This Agreement sets out the understanding between Victoria University of Wellington (VUW) and InternetNZ (INZ) relating to the establishment of a position in the Law School to be called the InternetNZ Research Fellowship in Cyber Law.

To support the development of capacity and expertise in Cyber Law in VUW's Law School, INZ will provide funding towards the cost of the Research Fellowship. INZ will make payments quarterly and retrospectively, from the date on which each Fellow takes up the employment, to the Victoria University Foundation whose Trustees, having verified that VUW has met the objectives set out in this Agreement, will in turn forward the funds to the VUW Law School.

2. Objectives

In signing this Agreement, VUW wishes to:-

- Signal an ongoing partnership with INZ in developing capacity, expertise and public understanding of legal issues relating to cyberspace.

In also signing this Agreement, INZ wishes to:-

- Increase capacity and expertise in, and knowledge of, legal and policy issues relating to cyberspace use in New Zealand that is of world standing, these issues having been identified as significant to InternetNZ and to the wider Internet community.
- Support public outreach education programmes of benefit to INZ and to the wider community.
- Support policy analysis and receive policy advice.
- Further the development of cyber law as a discipline and provide a focal point around which the emphasis on Internet law and policy matters can be fostered and promoted.
- Help generate solutions to legal problems arising in cyberspace.
- Provide a focal point for the academic, professional, business and policy-making communities concerned with issues relating to cyber law.

3. Research Fellowship in Cyber Law

3.1 The Terms

VUW will establish a Research Fellowship in Cyber Law within its Law School, to be known as the InternetNZ Research Fellowship in Cyber Law.

The appointee will undertake research, contribute to teaching through seminars and workshops at the Honours and Masters level, and present outreach programmes for the wider public.

A Role Description and indicative Budget are attached as schedules to this Agreement.

The InternetNZ Research Fellowship in Cyber Law will be the only university position in cyber law at a New Zealand university that is sponsored by InternetNZ, while this Agreement is in force.

Where Victoria University seeks to obtain additional sponsorships for cyber law, it is agreed that these sponsorships will not undermine the InternetNZ Research Fellowship in Cyber Law, and no agreement for additional sponsorship will be signed by VUW without the agreement of INZ.

3.2 Project Management Committee

A Project Management Committee will be set up comprising up to three representatives of each of INZ and of VUW's Law School.

The role of the Committee will be to:-

- (i) Identify the research topics to be studied.
- (ii) Oversee the appointment of the Research Fellow.
- (iii) Formulate an annual research and teaching programme in conjunction with the Research Fellow.
- (iv) Formulate an annual public outreach programme of seminars, workshops etc in conjunction with the Research Fellow.
- (v) Monitor the performance of the Research Fellow.
- (vi) Ensure that the objectives and outputs of the Research Fellowship as outlined in this Agreement are achieved.
- (vii) Undertake an annual review and evaluation of the Research Fellowship.
- (viii) Provide an interface between the Research Fellow and INZ, and a mechanism for establishing and maintaining the work priorities of the Fellow.

The Committee will formally meet approximately three times a year.

3.3 Selection and Appointment of Research Fellow

The Research Fellow will be selected by a panel which will include representatives from VUW and INZ on the Project Management Committee. The selection of the Fellow must be a unanimous decision by the selection panel.

This Agreement notes that the parties seek a Fellow with a long term commitment to New Zealand and to building capacity in this country on New Zealand Internet issues.

3.4 Duration of each Research Fellowship

Each Fellowship will be for one year's duration, with the option of a Fellow applying for a second year.

3.5 Relationships

The Fellow will maintain a close dialogue with the staff and office holders of InternetNZ and its Legal and Regulatory Committee.

The Fellow will engage with academics working in related fields primarily in the VUW Law School, but also with others in the School of Information Management, the School of Mathematical and Computing Sciences, and the School of Government. He/she will also teach Honours and Masters students through seminars and workshops.

The Fellow will interact with key legal Internet and IT organisations and with the wider public through seminars and workshops.

4. Deliverables

The Project Management Committee will establish the following key deliverables for each year of operation of the Fellowship:-

- (i) The InternetNZ Research Fellow in Cyber Law will undertake a significant research project on a topic approved by the Project Management Committee.
- (ii) The Fellow will contribute to teaching at LLB(Honours) and LLM(Masters) level through seminars and workshops, ongoing.
- (iii) The Fellow will deliver a public outreach programme, including to key Internet and IT organisations, through seminars and workshops, and wider communications as approved by the Project Management Committee, ongoing.
- (iv) Presentation of progress reports three times a year to the Project Management Committee.
- (v) The Fellow will contribute to an understanding of the legal issues involved in the current Internet-related policy questions.

5. Public Visibility

VUW and INZ agree to co-operate to maximise the publicity obtained from the Research Fellowship project and from the outputs of its programmes of work. This will include appropriate recognition of INZ in promotional materials distributed by VUW, including website, the job

advertisement, signage, and promotion of teaching and public outreach components of the research fellowship programme.

The agreement to maximise public visibility notwithstanding, VUW will not use the INZ name or any other trademarks held by INZ without the prior permission of INZ. All materials that use the INZ name or logo must receive written approval, or verbal approval followed by written approval, from INZ before publication. However, the term the "InternetNZ Research Fellowship in Cyber Law" may be used by VUW throughout the term of this Agreement without prior approval from INZ.

6. Term

The term of this Agreement will be for three years, commencing in 2004, subject to a satisfactory annual review which will take place six months before the end of each Fellowship.

Either party may terminate this Agreement at the end of a Fellowship if the objectives as set out in this Agreement have not been fulfilled, such termination to be in writing.

Upon twenty days prior notice in writing:-

- (a) to the other, either party may terminate this Agreement for breach of a material provision of this Agreement by the other.
- (b) INZ may terminate this Agreement if Victoria University of Wellington effectively terminates the position of the InternetNZ Research Fellowship in Cyber Law or brings INZ or any of its registered trademarks into disrepute.

7. Payment

INZ will make payments of \$85,000 plus GST per annum to the Victoria University Foundation, whose Trustees, having verified that VUW has met the objectives and deliverables set out herewith in this Agreement, will in turn forward the funds to the Law School.

The payments will be made quarterly and retrospectively from the date on which each Fellow takes up the appointment, in amounts of \$21,250 + GST per quarter.

Victoria University commits to a substantial contribution in support of the Research Fellowship in Cyber Law project.

8. Review

VUW will appoint a person responsible for the day-to-day implementation and monitoring of this Agreement.

The Project Management Committee will undertake an annual review of both the programme and of the performance of each Fellow.

9. Dispute Resolution

If a dispute should arise between the parties as to the interpretation of this Agreement, the parties will try and resolve it amicably. If they are unable to do so within fifteen working days, or such greater time as they may agree, then the dispute shall be referred to mediation. The mediation shall in all respects be conducted in terms of the LEADR New Zealand Inc. Standard Mediation Agreement and by a mediator at a fee agreed by the parties. Failing agreement between the parties, the mediator shall be selected and mediator's fee shall be determined by the Chair of LEADR New Zealand Inc. or his/her nominee.

10. Considerations

10.1 Obligations

This Agreement sets out the total understanding between VUW and INZ and is governed by the laws of New Zealand and subject to the jurisdiction of the New Zealand courts.

ATTESTATION:

Signed for and on behalf of
InternetNZ



Signature _____

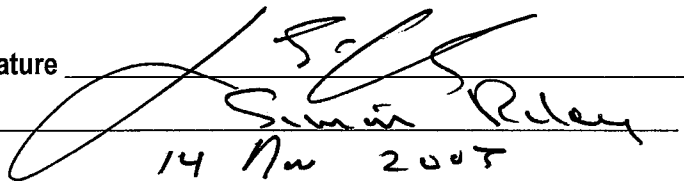
Name _____

Keith Davidson President InternetNZ

Date _____

14 November 2003

Witness Signature _____



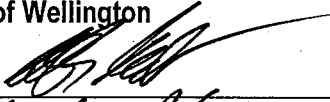
Name _____

Simon Riley

Date _____

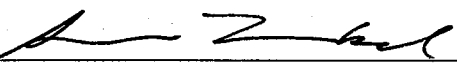
14 Nov 2003

Signed for and on behalf of
Victoria University of Wellington

Signature 

Name Matthew Palmer

Date 14 November 2003

Witness Signature 

Name Susan Frankel

Date 14 November 2003

SCHEDULE 1.

Role Description

Position Title: InternetNZ Research Fellow in Cyber Law

Position Location: Law School, Victoria University of Wellington

The InternetNZ Research Fellow In Cyber Law must work in the best interests of the University (including its community of students and staff), within relevant legislation and in accordance with the University Charter.

The InternetNZ Research Fellow in Cyber Law must also assist the University to meet its vision, and strive to behave in a manner that reinforces the University's values.

OUR VISION

We will provide transforming and lifelong educational experiences to students from a wide variety of backgrounds and nationalities. These experiences will be enriched by our commitment to the principles of the Treaty of Waitangi and by the special nature of Wellington as the capital city and cultural centre of New Zealand. Our teaching and learning will be innovative, and invigorated by being informed by a culture of internationally recognised research.

We will actively seek ways of organizing and managing ourselves that best support our teaching and research. We will be open and alert to new opportunities, including collaboration and cooperation with other institutions, to further the role we play. We will participate actively in our local community and play our part as critic and conscience of society.

From our Wellington base we will create worldwide opportunities for our staff and students. All our staff will be members of the international network of scholars, scholarship and research, thereby adding breadth, diversity and depth to our perspectives. Internationally we will be recognised as a leading University in New Zealand and Australia, and as world leaders in a number of areas of scholarship and enquiry.

WE VALUE

our staff and students:

- by maintaining and protecting the academic freedom of our staff and students
- by recognising that our most valuable assets are the specialist and professional knowledge and skills of our staff and the intellectual achievements of our staff and students
- by fostering a community of learning involving all staff and students
- by providing a supportive environment that will enable staff and students to develop to their full potential
- by acting to ensure that all members of the University community are treated with respect and concern for their rights
- by providing staff and students with the opportunity to be involved in the making of decisions that affect them.

diversity:

- by pursuing equity in educational and employment opportunity
- by recognising the Treaty of Waitangi as the basis for relationships with Maori
- by promoting research, teaching and scholarship in Maori language, culture and history
- by supporting our multicultural community.

innovation:

- in developing future teaching and learning opportunities
- in the way we organise and manage the university
- by being receptive to new and creative ideas.

excellence:

- by promoting the highest quality in teaching, scholarship and research
- by embedding quality in all that we do.

integrity:

- by upholding the highest ethical and professional standards
- by behaving in an open, honest and consistent way.

Role Purpose and Scope

The role of the InternetNZ Research Fellow in Cyber Law will be to undertake research, contribute to teaching through seminars and workshops at the Honours and Masters level, and present outreach programmes for the wider public.

Key Result Areas

- The InternetNZ Research Fellow in Cyber Law will undertake a significant research project on a topic approved by the Project Management Committee.
- The Fellow will contribute to teaching at the LLB(Hons) and LLM(Masters) level through seminars and workshops.
- The Fellow will deliver a public outreach programme through seminars and workshops, and wider communications, as approved by the Project Management Committee.
- The Fellow will contribute to an understanding of the legal issues involved in the current Internet-related policy questions.
- The Fellow will present a progress report to the Project Management Committee three times a year.

Challenges

This is a new Research Fellowship in a newly emerging discipline. There will be a particular challenge in working with the InternetNZ/Victoria University Law School Project Management Committee to identify the priority topics in Cyber Law of relevance to both parties and to research and communicate the issues to a range of audiences in an effective way.

A further challenge will be working with the Project Management Committee to establish and maintain work priorities.

Key Relationships

The InternetNZ Research Fellow in Cyber Law will report on a day-to-day basis to the Deputy Dean of Law, and direct to the Project Management Committee on policy issues.

The Fellow will maintain a close dialogue with the staff and office holders of InternetNZ and its Legal and Regulatory Committee.

The Fellow will engage with academics working in related fields primarily in the Victoria University Law School, but also with others in the School of Information Management, the School of Mathematical and Computing Sciences, and the School of Government.

The Fellow will interact with key Internet and IT organisations and with the wider public through seminars and workshops.

Key Competencies

CORE COMPETENCIES	
<p>Customer Focus Individuals who display this competency understand and believe in the importance of customer service. They listen to and understand the needs of internal and external customers. They meet and exceed customer needs to ensure satisfaction</p>	<ul style="list-style-type: none"> • Demonstrates the importance of customer service by giving customer needs top priority • Proactively manages the customer relationship, ensuring customers are kept up-to-date • Deals effectively with customers by displaying a professional, courteous, and empathetic approach • Liaises with other areas of work to ensure a seamless customer service • Considers Maori and multicultural issues when delivering and developing customer services • Promotes customer focus in strategic and operational planning and service delivery
<p>SELF MANAGEMENT Individuals who display this competency effectively plan and organise their work to achieve desired outcomes. They are proactive, remain focused, take action to overcome obstacles and follow through to completion</p>	<ul style="list-style-type: none"> • Sets and meets challenging personal goals and targets • Takes personal responsibility for making things happen • Identifies, allocates and manages time and resources required to achieve outcomes • Sticks to a task until the desired results are achieved efficiently and effectively within agreed timeframes • Sets up and maintains systems for checking the quality of work outputs • Actively and constructively participates in discussions on own performance, and develops themselves both personally and professionally • Perseveres in the face of adversity and resistance, with a 'can do' attitude • Identifies strategies for and takes action to overcome barriers • Successfully adapts to changing demands and conditions • Remains calm and is able to continue with the primary task and work effectively when faced with heightened levels of pressure/stress
<p>INTEGRITY Individuals who display this competency are open, honest and consistent in behaviour and can be relied upon. They generate confidence in others through their professional and ethical behaviour</p>	<ul style="list-style-type: none"> • Sets and maintains high professional standards • Deals with others in a respectful and fair way • Displays ethical and professional behaviour in all situations • Follows established organisational policies and procedures • Demonstrates openness and honesty when dealing with issues, day to day tasks and people • Displays a positive attitude towards and is receptive to Maori and multicultural issues • Follows through on commitments • Encourages others to behave in an honest, ethical and professional way • Does not use information or their position for personal gain

<p>INNOVATION Individuals who display this competency question the way things are done, learn from past mistakes and generate new and creative ideas to improve the status quo</p>	<ul style="list-style-type: none"> • Proactively assesses own work patterns in order to improve efficiency and effectiveness • Thinks in terms of opportunities and possibilities • Considers past mistakes and practices and learns from them when considering and developing new ideas • Encourages the discussion, free-debate and generation of creative ideas and solutions • Generates new and creative ideas – is not afraid to think 'outside of the box' • Builds on ideas suggested by others to develop new solutions • Develops unique solutions that are not limited by previous solutions
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ROLE SPECIFIC COMPETENCIES

<p>COMMUNICATION Individuals who display this competency effectively communicate with a wide range of people in all situations, both orally and in writing</p>	<ul style="list-style-type: none"> • Adjusts communication style to suit the needs of the audience • Communicates key points clearly and concisely • Effectively facilitates workshops and meetings, to achieve goals and maintain group cohesiveness • Presents complex ideas and concepts effectively
<p>ANALYSIS & JUDGEMENT Individuals who display this competency are able to identify and analyse issues and problems, consider alternatives, make sound decisions and commit to a course of action</p>	<ul style="list-style-type: none"> • Checks the quality, validity and relevance of information sought • Identifies issues, relationships and/or trends amongst information • Researches issues thoroughly using a suitable methodology • Takes ownership of decisions and ensures their implementation
<p>TEAMWORK Individuals who display this competency show a genuine intention to work co-operatively with others in a team setting in order to achieve results and team goals</p>	<ul style="list-style-type: none"> • Accepts share of workload, to help others and the team • Demonstrates respect towards all other team members • Participates effectively in group discussions and activities and encourages others to do the same • Supports team values and decisions, and models expected behaviours
<p>RELATIONSHIP BUILDING Individuals who display this competency are concerned with building and maintaining positive working relationships and networks useful to achieving the organisations objectives</p>	<ul style="list-style-type: none"> • Builds and sustains appropriate positive and productive working relationships • Creates and sustains an appropriate image and profile of the area of work • Demonstrates credibility with stakeholders • Demonstrates an acceptance of and sensitivity towards different people and cultures.

Education, Experience and Knowledge required

Qualifications:

- LLB or LLB (Hons),
- Track record in research and/or legal practice relevant to the study of internet law
- proven experience and interest in Internet and IT issues, as well as relevant public policy issues.

Ability to contribute effectively in a collaborative research project

Competence in a range of research methodologies

Strong inter-personal skills and capacity to represent the project externally and build successful relationships with project stakeholders

Good communication skills and the ability to communicate effectively with people at all levels in a range of organisational environments and cultural contexts

Special Role Requirements

None.

Delegations

None.

Performance Criteria

An individual Development Plan will be developed that reflects the contribution this position is expected to make towards achieving the School's objectives and measures. The Development Plan will contain objectives that are consistent with the Key Result Areas in this Role Description.

EMPLOYMENT CONDITIONS SCHEDULE

POSITION TITLE: Internet NZ Research Fellow in Cyber Law

The table below describes the core employment conditions that are attached to the position you are applying for.

Core Employment Conditions	Collective Agreement (CA) and General Terms and Conditions (GTC)
Tenure	Fixed-term
Salary range for the position	Pro rata NZ\$64,074 – NZ\$73,231
Allowances	As per the CA and GTC
Benefits	N/A
Performance pay	N/A
Standard leave and holiday provisions	17 working days annual leave per annum in addition to University holidays

Closing date: xxx, but applications will be accepted until the positions are filled.

Please apply on-line at www.nzjobs.co.nz/vuw or send your application to:

Kim Willcox,

HR Adviser (FCA)

Victoria University of Wellington

PO Box 600

Wellington

E-mail: kim.willcox@vuw.ac.nz;

Fax: 04 463 5436

SCHEDULE 2.

InternetNZ Research Fellowship in Cyber LawIndicative Annual Budget (excluding GST)**INCOME**

InternetNZ	\$85,000
Victoria University Law School	\$71,500

EXPENDITURE

Salary, including ACC, holiday pay	\$70,500
Capital depreciation	\$ 1,500
Travel – meetings, conferences etc	\$10,000
Operating costs – consumables, support	\$ 4,000
Occupancy costs	\$ 4,000
Overheads	\$66,500
TOTAL	\$156,500