

Managing Research Misconduct Procedure

- Application
 - Definitions
 - Roles and Responsibilities
 - Protection from Liability
 - Confidentiality
 - Procedural Fairness
 - Framework to Address Concerns, Formal Complaints and Allegations
 - Further Assistance
-

1. APPLICATION

1.1 The *Australian Code for the Responsible Conduct of Research* (the Code) guides the way research is conducted and managed. The Code describes the principles and practices for the responsible conduct, management and reporting of research, and this procedure provides a framework for resolving concerns, complaints or allegations relating to a potential breach of the Code.

1.2 This procedure applies to:

- a) All staff employed by the University;
- b) All former staff of the University, where such former staff have engaged in activities connected with a complaint regarding a breach of the Code, in relation to research conducted while employed by the University; and
- c) Adjuncts or visitors engaged in research conducted in the name of the University, or with the approval or support of the University.

1.3 This procedure does not apply to students undertaking research as part of their studies. Student-related matters of this nature are managed under the following:

- a) Undergraduate and postgraduate – the [Assessment Policies and Procedures Manual](#); and
- b) Higher Degree by Research – [Academic Regulations for Higher Degrees by Research](#).

Matters that relate to students will be transferred to the appropriate person responsible for the initial steps described in these procedures.

1.4 Where a student is covered by this procedure by virtue of section 1.2 above, this procedure only applies to research undertaken as part of their employment, adjunct or visitor status, and therefore not related to their research activities as a student. Where this is not clear, or the

student processes outlined in section 1.3 above do not cover the matter, the DVC:RE will decide whether the matter is to be managed under this procedure or how the matter should otherwise be handled.

1.5 The *University of South Australia Enterprise Agreement* (current version) provides for disciplinary procedures to deal with matters of general misconduct and research misconduct for staff. The disciplinary procedures in the Enterprise Agreement apply by force of law and must be followed where formal allegations of misconduct/serious misconduct or research misconduct are made against staff (see section 7.4 below).

1.6 This procedure is designed to assist with implementation of the *Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research, 2018* (the Guide), and to comply with the requirements in the Enterprise Agreement. Some of the definitions and other text in this procedure have been reproduced from the Code and Guide.

2. DEFINITIONS

2.1 **Breach of the Code** means a failure to meet the principles and responsibilities of the Code and may refer to a single breach or multiple breaches.

Breaches of the Code occur on a spectrum, from minor (less serious) to major (more serious).

Examples of breaches of the Code include, but are not limited to, the following:

Not meeting required research standards

- Conducting research without ethics approval as required by the *National Statement on Ethical Conduct in Human Research* and the *Australian Code for the Care and Use of Animals for Scientific Purposes*
- Failing to conduct research as approved by an appropriate ethics review body
- Conducting research without the requisite approvals, permits or licences
- Misuse of research funds
- Concealment or facilitation of breaches (or potential breaches) of the Code by others

Fabrication, falsification, misrepresentation

- Fabrication of research data or source material
- Falsification of research data or source material
- Misrepresentation of research data or source material
- Falsification and/or misrepresentation to obtain funding

Plagiarism

- Plagiarism of someone else's work, including theories, concepts, research data and source material
- Duplicate publication (also known as redundant or multiple publication, or self-plagiarism) without acknowledgment of the source

Research data management

- Failure to appropriately maintain research records
- Inappropriate destruction of research records, research data and/or source material
- Inappropriate disclosure of, or access to, research records, research data and/or source material

Supervision

- Failure to provide adequate guidance or mentorship on responsible research conduct to researchers or research trainees under their supervision

Authorship

- Failure to acknowledge the contributions of others fairly
- Misleading ascription of authorship including failing to offer authorship to those who qualify or awarding authorship to those who do not meet the requirements

Conflicts of interest

- Failure to disclose and manage conflicts of interest

Peer review

- Failure to conduct peer review responsibly

2.2 **Code** means the *Australian Code for the Responsible Conduct of Research*.

2.3 **DVC:RE** means the Deputy Vice Chancellor: Research and Enterprise.

2.4 **Guide** means the *Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research, 2018*.

2.5 **Research misconduct** means a serious breach of the Code which is also intentional or reckless or negligent.

Fabrication and falsification are types of breaches that are commonly recognised as being undertaken intentionally or recklessly and are examples of research misconduct.

Research misconduct does not include honest differences in judgement. Unintentional errors do not usually constitute research misconduct unless they result from behaviour that is reckless or negligent.

Repeated or persistent breaches will likely constitute a serious breach, which will trigger consideration of research misconduct.

2.6 **Supervisor** means the supervisor of a person engaged as a staff member, adjunct or visitor. To ensure clarity, this excludes a supervisor of a Higher Degree Research student.

2.7 **University** means the University of South Australia.

3. ROLES AND RESPONSIBILITIES

3.1 **Vice Chancellor** is the Responsible Executive Officer (under the Guide), who is appointed by the University Council, and is responsible for the overall management and administration of the University.

3.2 **Deputy Vice Chancellor: Research and Enterprise (DVC:RE)** is the Designated Officer (under the Guide), delegated by the Vice Chancellor to oversee a Preliminary Assessment of a formal complaint and make recommendations in accordance with this procedure.

3.3 Research Integrity Advisor (RIA) is a person appointed by the University to promote the responsible conduct of research and provide advice to those with concerns about potential breaches of the Code. The role of the RIA includes informing someone with concerns regarding research conduct about the relevant institutional processes and available options, including how to make a complaint. RIAs are people with research experience, analytical skills, empathy, good communication skills, knowledge of the University's processes and the Code, and familiarity with accepted practices in research. An RIA is not to advise on matters where they have a potential, perceived or actual conflict of interest. The RIA's role does not extend to assessment or investigation of the complaint, including contacting the person who is the subject of that complaint, or being involved in any subsequent investigation other than as witness or to provide testimony.

3.4 Assessment Officer is a person appointed to conduct a Preliminary Assessment of a complaint regarding a potential breach of the Code.

4. PROTECTION FROM LIABILITY

The University will indemnify all staff and students against liabilities incurred by them, in accordance with terms and conditions contained in relevant policies, while acting for and on behalf of the University. It will stand behind its staff and students and meet the costs of actions that might be taken against them personally as though the action had been taken against the University, provided that the staff member or student concerned was acting in good faith and in accordance with University policies and procedures. This indemnity does not extend to cover misconduct.

5. CONFIDENTIALITY

Individuals must protect the confidentiality of information acquired in the course of their work and should not use or disclose any confidential information to a colleague or client of the University or any party without specific authority. Primary materials and confidential research data must only be used in ways agreed with those who provided the information, and particular care must be exercised when confidential data is made available for discussion.

6. PROCEDURAL FAIRNESS

The principles of procedural fairness (also referred to as natural justice) apply to managing and investigating potential breaches of the Code. These principles encapsulate the hearing rule (an opportunity to be heard), the rule against bias (decision-makers do not have a personal interest in the outcome) and the evidence rule (decisions are based on evidence).

7. FRAMEWORK TO ADDRESS CONCERNS, FORMAL COMPLAINTS AND ALLEGATIONS

7.1 Step 1 – Initial Discussions

- a) A concern that someone has not acted responsibly in accordance with the Code may be received at different levels within the University. In the first instance, it requires direction to an appropriate person for an initial confidential exploration and follow-up before formal investigation is possible.
- b) A concern about irresponsible conduct in relation to research with human participants, animals or biosafety must be directed to the Human Ethics Officer, the Senior Animal Ethics Officer or the Biosafety Officer, respectively, for consideration by the relevant Committee Chair.

- c) Any other concern that someone has not acted in accordance with the Code should be directed to the complainant's supervisor or a Research Integrity Advisor, paying attention to any conflict of interest that may be identified. If the concern arises from someone outside of the University, it should be directed to the Manager: Research Integrity, who will then raise the matter with the Director: Research and Innovation Services and the DVC:RE
- d) A Committee Chair, supervisor, Research Integrity Advisor or the Manager: Research Integrity may attempt to resolve the issue(s) without the matter proceeding further. Outcomes of discussion with the complainant may include:
 - not proceeding if the concern is clearly not related to a breach of the Code;
 - not proceeding if discussion resolves the concern;
 - discussing the matter with the person against whom the concern is being raised;
 - proceeding under other University processes, e.g., for complaints relating to students (refer to 1.3 above); or
 - making a complaint about a potential breach of the Code in writing to the DVC:RE.
- e) If, in the judgement of a Committee Chair, supervisor, Research Integrity Advisor or the Manager: Research Integrity, the matter warrants further consideration by a more senior line manager, it may be confidentially referred to such a line manager, with the consent of the person who raised the concern.
- f) If a Committee Chair, supervisor, Research Integrity Advisor or the Manager: Research Integrity considers that the potential breach, if proven, may be sufficiently serious to constitute research misconduct (as defined above), referral as described in e) may proceed without the consent of the person who raised the concern. If this occurs, representatives from Legal, and from People, Talent and Culture, must be notified.
- g) Any person assessing the concern must consider whether, and to what extent, to keep informed the person who raised the concern. This will be at the discretion of the person assessing the matter but must involve keeping the complainant informed of progress as much as is possible and appropriate under the particular circumstances.
- h) The Manager: Research Integrity must be informed (if not already) about all matters referred as described under e) and f) above, and will record the details and outcome of each such matter, and all matters that proceed to a Preliminary Assessment (7.3, below), in a secure and confidential database.
- i) Those managing these concerns will convey to the complainant, and all those potentially affected by the matter, that counselling support is available through the University's Employee Assistance Program.

7.2 Step 2 – Making a Formal Complaint

- a) A person may make a formal complaint regarding an alleged breach of the Code where:
 - Initial discussions under Step 1 fail to resolve matter and the person wishes to continue to pursue the matter; or
 - The person does not wish to discuss or disclose a matter under Step 1 due to confidentiality reasons but wishes to continue to pursue the matter.
- b) A formal complaint regarding an alleged breach of the Code must be made in writing to the DVC:RE.

- c) Through the relevant member of the University's Enterprise Leadership Team, an Executive Dean or a Director of a Research Institute or Centre may also refer alleged breaches of the Code to the DVC:RE, independent of whether a person has raised concerns under this procedure or not.

7.3 Step 3 – Preliminary Assessment

- a) The role of the DVC:RE is to determine whether there is a prima facie case of a breach of the Code, and, when required, to make recommendations to address the formal complaint to the Executive Director: People, Talent and Culture.
- b) The DVC:RE may appoint a suitable person as an Assessment Officer to conduct a Preliminary Assessment and provide a report to the DVC:RE. An Assessment Officer should be a senior person in the University's management structure who is experienced in research and research management. Training in conducting a Preliminary Assessment, and information regarding relevant policies, procedures and guidelines, will be provided to the Assessment Officer by the Manager: Research Integrity.
- c) Where the DVC:RE has a conflict of interest in relation to the matter to be assessed, the DVC:RE must advise the Vice Chancellor of the conflict and shall have no further involvement in the matter. In such a case, the Vice Chancellor will appoint another person to oversee the Preliminary Assessment and carry out the role of the DVC:RE where referred to under these procedures. This person should be a senior person in the University's management structure who is experienced in research and research management.
- d) If for the Preliminary Assessment information is to be gathered from the person subject to the complaint, the DVC:RE, or the delegate overseeing the Preliminary Assessment for the DVC:RE, will advise this person in writing that a Preliminary Assessment is to be conducted.
- e) To help inform the Preliminary Assessment, the DVC:RE or delegate may seek:
 - Further information from the person making the formal complaint;
 - A written response from the person subject to the formal complaint; and
 - Information from other people including internal and/or external experts.
- f) In considering the formal complaint, the DVC:RE will assess whether the alleged action(s), if proven, could constitute a breach of the Code, and, in addition, may fulfil the criteria for research misconduct.
- g) On completion of the Preliminary Assessment and associated report, the DVC:RE will determine whether a prima facie case of a breach of the Code exists and make recommendations to further address the matter.
- h) Recommendations to further address the matter may include:
 - Dismissing the formal complaint;
 - Referring the matter to the relevant Executive Dean and/or Provost, or Institute Director, for action (e.g., guidance);
 - Making an allegation of research misconduct under the disciplinary procedures in the Enterprise Agreement; or
 - Managing the matter where the person is not a staff member.

- i) The University will endeavour to investigate formal complaints of breaches of the Code where the person subject to the formal complaint is no longer at the University. Moreover, distortions of the research record must be rectified, whether or not the person involved remains at the University.
- j) In the case of a formal complaint involving a current or former staff member, adjunct or visitor undertaking research that occurred prior to their engagement at the University, the DVC:RE may determine to investigate the matter to satisfy the University that there has not been a case of a breach of the Code by them while at the University.
- k) The DVC:RE will consider whether and when a formal complaint is required to be notified to relevant funding bodies (e.g., the ARC and NHMRC) in accordance with their funding agreements and/or policies, and instigate processes to notify them if and as required.

7.4 Step 4 – Preliminary Assessment Outcome and Subsequent Actions

- a) Where a decision is taken to make an allegation of research misconduct in relation to a staff member, the matter will be referred to the Executive Director: People, Talent and Culture to commence a process of investigation under the disciplinary procedures in the Enterprise Agreement.
- b) At the conclusion of a matter, if misconduct is shown to be unfounded, the DVC:RE will consider and determine appropriate action to be taken. This may include the University making every reasonable effort to reinstate the reputation of the person subject to the complaint.
- c) At the conclusion of a matter, the DVC:RE, in consultation with the Vice Chancellor, will consider those to be advised of the outcome, including the person subject to the formal complaint, those making the formal complaint, and any other relevant parties, including affected staff and students, funding bodies, collaborators, collaborating institutions, journal editors and professional registration bodies. Where required, suitable corrective actions, such as correction of the public record or retracting a publication, must be undertaken in a timely manner.

FURTHER ASSISTANCE

Further advice may be sought from:

- Supervisor
- Executive Dean / Director, Institute or Centre
- Research Integrity Advisor
- Manager: Research Integrity
- People, Talent and Culture

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