

RESEARCH MISCONDUCT

This statement should be read in conjunction with the University's "Code of Conduct for Research", and draft "Student Conduct and Discipline Statute".

1. Definition

- 1.1 Research misconduct constitutes any of the following:
- non-compliance with any part of the University's Code of Conduct for Research
 - fabrication or falsification of data or findings
 - plagiarism in research-related matters
 - use of others' intellectual property without due acknowledgment in research-related matters
 - other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research.
- 1.2 Research misconduct does not include honest errors or honest differences in interpretation of data.
- 1.3 Substantiated research misconduct by staff may constitute unsatisfactory performance in terms of the current Enterprise Bargaining Agreement.
- 1.4 Substantiated research misconduct by research degree candidates or students constitutes misconduct in terms of the University Council's approved draft " Student Conduct and Discipline Statute".

2. Procedures for dealing with suspected or alleged research misconduct

- 2.1 Advisers on integrity in research
- 2.1.1 Each Dean and member of the Research Management Committee is designated as a University adviser on integrity in research.
- 2.1.2 The advisers on integrity in research are available to give advice to members of the University community concerning good research practices and issues concerning research misconduct.
- 2.2 Advising of suspected or alleged research misconduct and complaints/concerns regarding research
- 2.2.1 Any person who has reasonable grounds to suspect that a member of the University community is acting or has acted contrary to the University's Code of Practice for Research or in any other way apparently has performed an act of research misconduct has a responsibility to advise the Dean of the relevant Faculty or head of the appropriate University organisational unit in the first instance.

- 2.2.2 Where the suspected or alleged research misconduct apparently is or has been performed by a Dean or head of an organisational unit the advice should be directed to the Deputy Vice-Chancellor (DVC) in the first instance.
- 2.2.3 Where a person has a complaint concerning a research project involving humans which has been approved by the Human Research Ethics Committee, the complaint should be forwarded in the first instance to the person nominated from time to time by the Human Research Ethics Committee to receive complaints about ethically approved research involving humans.
- 2.2.4 Where the Human Research Ethics Committee is unable to resolve any complaint concerning an ethically approved research project involving humans, the complaint will be forwarded to the Deputy Vice-Chancellor and the complaint will be dealt with according to the procedures below.
- 2.2.5 Where a person has an inquiry or complaint concerning the use of animals in research or teaching, the complaint should be forwarded in the first instance to the Dean of the relevant faculty and the inquiry or complaint will be dealt with according to the procedures below.
- 2.3 Research misconduct involving research degree candidates or students
- 2.3.1 All instances of alleged or suspected research misconduct shall be regarded as possible conduct which is adverse to the academic standing or reputation of the University pursuant to Division 2: Meaning of Misconduct of the University Council's approved draft " Student Conduct and Discipline Statute".
- 2.3.2 Investigation and courses of action relating to allegations of research misconduct by research degree candidates or students shall be conducted and taken pursuant to Divisions 3 and 4 of the University Council's approved draft " Student Conduct and Discipline Statute".
- 2.4 Research misconduct involving staff
- 2.4.1 *Preliminary investigation*
- (a) The relevant Dean or head of organisational unit or the DVC, as appropriate, must provide a written statement of the allegations to the person/s against whom any allegation has been made (the respondent) within three working days of receipt of the advice.
 - (b) The respondent will be required to provide a written response regarding the allegations by a specified date which shall be not less than 10 working days from the date of the written statement from the Dean or head of organisational unit or DVC.
 - (c) On receipt of the written response the Dean or head of organisational unit or DVC shall determine whether there appears to be sufficient prima facie evidence to suggest that research misconduct may have occurred and that a case exists for further investigation.
 - (d) In undertaking the preliminary investigation the Dean or head of organisational unit or DVC shall act according to principles of natural justice and procedural fairness and shall ensure the protection of persons making allegations in good faith, persons accused of misconduct and any interested parties.
 - (e) If it is determined that research misconduct has not occurred and that no case exists for further investigation, the respondent and the person advising of the alleged misconduct will be advised in writing of this by the Dean or head of organisational unit or DVC.

- (f) If it is determined that a case exists for further investigation, the Vice-Chancellor must be advised of the nature of the allegations as soon as practicable and be provided with all relevant information.
- (g) The Vice-Chancellor shall advise the respondent in writing at the first available opportunity that a case exists for further investigation and that a formal investigation is to be undertaken.
- (h) The DVC must advise, in confidence, the secretary of any funding agency currently supporting the respondent that an investigation into possible research misconduct concerning the person is to be instigated, on the understanding that the agency will not terminate its support for the respondent during the investigation.

2.4.2 *Formal investigation*

- (a) The Vice-Chancellor will investigate an allegation of research misconduct by a staff member in accordance with procedures in the section "Disciplinary Action for Misconduct or Serious Misconduct" of the current Enterprise Bargaining Agreement.
- (b) Once a formal investigation has been initiated it must be concluded regardless of whether the respondent remains a member of the University community.
- (c) If the Vice-Chancellor determines that the alleged research misconduct is not substantiated, the Vice-Chancellor will inform the respondent, the person making the initial allegation and any funding body which supports the respondent.
- (d) If the Vice-Chancellor determines that there has been research misconduct the Vice-Chancellor must determine whether it is appropriate to take disciplinary action and to what degree against the respondent pursuant to provisions of the current Enterprise Bargaining Agreement.
- (e) Where appropriate, the Vice-Chancellor shall advise any other interested parties of any finding against a respondent, including the University Council and learned journals which have reported on the research associated with the investigation.

3. Appeals and Grievance Processes

3.1 Research degree candidates and students

Research degree candidates and students who are aggrieved by decisions arising from investigations into research misconduct may appeal pursuant to Division 5 of the Council approved draft "Student Conduct and Discipline Statute".

3.2 Staff

Staff who are aggrieved by decisions or courses of action arising from investigations into research misconduct may request a review or lodge an appeal pursuant to criteria and procedures for reviews and appeals as provided in the current Enterprise Bargaining Agreement.

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