

# Misconduct - Research Misconduct Procedure - Allegation Management

## Section 1 - Purpose

(1) Research at Charles Sturt University (the University) is governed by the Australian Code for the Responsible Conduct of Research, hereafter referred to as the Code.

(2) The purpose of this document is to provide equitable and procedurally fair framework for the prompt and effective management of alleged:

- a. breaches of the Code; and
- b. research misconduct.

## Section 2 - Scope

(3) This Procedure applies to staff and higher degree by research (HDR) candidates of the the University.

(4) This Procedure does not apply to other students of the the University undertaking research projects. Allegations relating to these students are covered under the the University Misconduct - Student Academic Misconduct Policy and procedures.

## Section 3 - Consultation with Adviser in Research Integrity

(5) Any person who unsure as to whether there may be grounds to raise an allegation that a member of the the University community is acting or has acted contrary to the the University's Code of Conduct - Research should seek to consult confidentially with a Research Integrity Advisor (defined in the the University Misconduct - Research Misconduct Policy).

(6) A Research Integrity Advisor should not be involved in any case where he/she has a relevant conflict of interest. Where a conflict of interest has been identified, the Advisor should arrange in a timely manner for the consultation to be provided by alternative Research Integrity Advisor.

## Section 4 - Advising of Suspected or Alleged Research Misconduct

(7) Any person who has reasonable grounds to suspect that a member of the the University community is acting or has acted contrary to the the University's Code of Conduct - Research or in any other way appears to have engaged in research misconduct has a responsibility to advise the Executive Dean of the relevant Faculty or Head of the appropriate School in the first instance.

(8) Where the suspected or alleged research misconduct apparently relates to the actions of an Executive Dean or Head of School the advice should be directed to the Deputy Vice-Chancellor (Research, Development and Industry) (DVC (RDI)), in the first instance.

(9) Where a person has a complaint concerning a research project involving humans which has been approved by the Ethics in Human Research Committee, the complaint should be forwarded in the first instance to the Chair of the Ethics in Human Research Committee.

(10) Where the Ethics in Human Research Committee is unable to resolve any complaint concerning an ethically approved research project involving humans, the complaint will be forwarded to the DVC (RDI) and the complaint will be dealt with according to the procedures below.

(11) Where a person has an inquiry or complaint concerning the use of animals in research, including an instance of possible non-compliance with the Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, the matter should be forwarded in the first instance to the Chair of the Animal Care and Ethics Committee.

(12) Where the Animal Care and Ethics Committee is unable to resolve any complaint concerning an ethically approved research project involving animals, the complaint will be forwarded to the DVC (RDI) and the complaint will be dealt with according to the procedures below.

## **Section 5 - Research Misconduct Involving HDR Candidates**

(13) Investigation and courses of action relating to allegations of research misconduct by higher degree by research degree candidates shall be conducted under the policy and processes defined by the the University Misconduct - Student Academic Misconduct.

## **Section 6 - Research Misconduct Involving Staff**

### **Preliminary Investigation**

(14) The relevant Head of School or Executive Dean or Ethics Committee Chair or the DVC (RDI) identified under Section 4 of this Procedure becomes the Preliminary Investigator in this process.

(15) The Preliminary Investigator must provide a written statement of the allegations to the person/s against whom any allegation has been made (the Respondent) within ten working days of receipt of the advice.

(16) 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 Preliminary Investigator.

(17) On receipt of the written response the Preliminary Investigator 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.

(18) In undertaking the preliminary investigation Preliminary Investigator 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.

(19) 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 Preliminary Investigator.

(20) If it is determined that a prima facie case exists, the Preliminary Investigator must advise the Vice-Chancellor of the nature of the allegations as soon as practicable, providing all relevant information and a recommendation in accordance with Item 33 of the the University Misconduct - Research Misconduct Policy.

(21) If the Vice-Chancellor (or nominee endorsed by the University Council) decides that outcomes 33a, b or c should apply, he/she shall advise the respondent in writing of the determination and any actions to be taken.

(22) If the Vice-Chancellor (or nominee endorsed by the University Council) decides that a formal inquiry is required, he/she 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, in accordance with clauses 24-28 below.

(23) The DVC (RDI) must advise, in confidence, the secretary of any funding agency currently supporting the respondent where 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.

### **Formal inquiry**

(24) The Vice-Chancellor (or nominee) 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 Agreement.

(25) If the Vice-Chancellor (or nominee) determines that the alleged research misconduct is not substantiated, the Vice-Chancellor (or nominee) will inform the respondent, the person making the initial allegation and any funding body which supports the respondent.

(26) If the Vice-Chancellor (or nominee) determines that there has been research misconduct the Vice-Chancellor (or nominee) must determine whether it is appropriate to take disciplinary action and to what degree against the respondent pursuant to provisions of the current Enterprise Agreement.

(27) Where appropriate, the Vice-Chancellor (or nominee) 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.

(28) In instances where the respondent ceases to be a member of the the University community before the finalisation of a formal inquiry, the inquiry may proceed to conclusion where the University considers this to be necessary.

## **Section 7 - Appeals and Grievance Processes**

### **HDR Candidates**

(29) Higher degree by research candidates are aggrieved by decisions arising from investigations into research misconduct may lodge an appeal under the procedures for appeal defined in the Higher Degree by Research Policy - Enrolment and Progression.

### **Staff**

(30) Criteria and procedures for reviews and appeals by staff are as provided in the current Enterprise Agreement.

## Status and Details

<b>Status</b>	Historic
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<b>Unit Head</b>	Cassandra Webeck University Secretary +61 2 6338 4258
<b>Author</b>	Megan Bond Manager, Academic Senate
<b>Enquiries Contact</b>	Office of Academic Governance +61 2 63384831