

Research Misconduct Procedure

Section 1 - Purpose

- (1) This procedure provides a framework for the prompt and effective management of alleged:
- a. failure to implement the Code;
 - b. breaches of the Code; and
 - c. research misconduct.

Scope

- (2) This procedure applies to anyone who conducts, supervises or supports research as a member of the university community, or on behalf of Charles Sturt University (the University), including:
- a. staff, adjunct or honorary staff, students or visitors to the University;
 - b. consultants or contractors; and
 - c. staff and students of partner organisations.

Section 2 - Glossary

- (3) Most terms in this procedure are defined in the [Research Policy](#). For the purpose of this procedure, the following additional terms have the definitions stated:
- a. Assessment officer (AO) - means a person or person appointed by the University to conduct a preliminary assessment of a complaint about research.
 - b. Breach - means failure to meet the principles and responsibilities of the Code. Breaches occur on a spectrum from minor to serious. A serious breach of the Code which is also intentional, reckless or negligent constitutes research misconduct.
 - c. Complainant - means a person who raised a matter relating to an alleged or potential breach of the Code.
 - d. Compliance committees - means Human Research Ethics Committee, Animal Care and Ethics Committee, Institutional Institutional Biosafety Committee, Chemical Safety Committee, Radiation Safety Committee and the National Security Compliance Committee.
 - e. Designated officer (DO) - means a senior institutional officer or officers appointed to receive complaints about the conduct of research or potential breaches of the Code and to oversee their management and investigation where required.
 - f. Research integrity adviser (RIA) - means a person or persons with knowledge of the Code and institutional processes appointed by the Deputy Vice-Chancellor and Vice-President (Research) to promote the responsible conduct of research and provide advice to those with concerns or complaints about potential breaches of the Code.
 - g. Research misconduct - means a serious breach of the Code which is also intentional or reckless or negligent.
 - h. Researcher - means any person(s) who conducts, supervises or supports research as a member of the University community or on behalf of the University including students.

- i. Respondent - means a person who is the subject of a matter relating to an allegation of potential breach of the Code.
- j. Responsible executive officer (REO) – means a senior officer of the University who has final responsibility for receiving reports of outcomes of processes of assessment or investigation of potential or found breaches of the Code and deciding on the course of action to be taken.
- k. Support person – means an individual of the respondents choosing present during face to face meetings with the respondent to provide support only. The support person must not be a legal representative.
- l. Uncontested breach – means a breach that has occurred and where the respondent has accepted responsibility for the breach.

Section 3 - Policy

(4) This procedure should be read in conjunction with the [Research Policy](#), the NHMRC [Australian Code for the Responsible Conduct of Research, 2018](#) (the Code) and the [Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research, 2018](#).

Section 4 - Procedures

Roles and responsibilities

(5) The designated officer (DO) is the Research Integrity Manager, or a nominee appointed by the Deputy Vice-Chancellor and Vice-President (Research).

(6) The assessment officer (AO) will be appointed by the DO as appropriate to the matter being considered.

(7) The responsible executive officer (REO) is the Vice-Chancellor.

(8) A nominee must be appointed where the responsible person has a direct or perceived conflict of interest in the matter.

(9) A research integrity adviser (RIA) will promote and foster the responsible conduct of research and provide advice to those with concerns about potential breaches of the Code. An RIA will not be involved in the investigation of an allegation unless as a witness.

(10) The research integrity officer (RIO) will provide administrative support to the investigation process and will assist in record keeping.

(11) The reviewing officer is the University Ombudsman and is responsible for receiving requests for a procedural review of an investigation of a breach of the Code.

Reporting a breach or potential breach, concern or complaint

(12) The NHMRC's [Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research](#) provides examples of breaches of the Code.

(13) Any person(s) can report a breach or raise concerns or a complaint about a potential breach.

(14) Breaches must be reported in a manner that identifies specific details and includes sufficient evidence to enable a potential breach to be assessed.

(15) All University researchers have an obligation to report information about potential breaches in a timely manner.

(16) Any researcher considering reporting a breach or a potential breach may discuss the matter with a research integrity adviser.

(17) Individuals making a complaint are expected to do so honestly. Individuals that make vexatious or malicious complaints may be referred to other University misconduct or complaint processes for investigation.

(18) Information about a breach or potential breach should be provided to the designated officer.

(19) Complaints will be treated confidentially noting that:

- a. there may be limitations to this confidentiality (such as legal action to seek the identity of the complainant);
- b. maintaining confidentiality may limit the effectiveness of the review of the complaint(s); and
- c. issues of procedural fairness may require the identity of the complainant to be revealed.

(20) Anonymous reports will be investigated if sufficient information is provided and/or available.

Management of a breach, potential breach or complaint

(21) Once a complaint is received the designated officer (DO) will assess the information provided to establish:

- a. the level of risk and will take action to protect humans, animals and/or the environment, University property and/or reputation, internal or external funds provided by funding bodies and materials that may be relevant to an investigation;
- b. whether the complaint appears to be legitimate and relates to a breach of Code and if so will initiate a preliminary assessment;
- c. if insufficient information has been provided. The complainant may be contacted and asked to provide additional information if necessary;
- d. if the complaint relates to research approved by any of the ethics and compliance committees and if so may refer the matter to the relevant committee presiding officer. In such cases:
 - i. the committee will investigate the complaint and may implement appropriate actions to address the matter or establish whether a breach of the Code constituting research misconduct or serious misconduct has occurred; or
 - ii. if the committee forms the view that a breach of the Code constituting research misconduct or serious misconduct may have occurred they will refer the matter back to the DO and provide a written report of their findings.
- e. if it relates to matters other than research and if so refer the complaint to the appropriate area of the University such as:
 - i. the Division of People and Culture for complaints of harassment, discrimination, work health and safety or if a complaint is found to be vexatious;
 - ii. the Student Conduct team for complaints against students that do not relate to research activities; or
 - iii. Academic Misconduct Officers for complaints of academic misconduct;
- f. if the circumstances of the matter require the Vice-Chancellor, Deputy Vice-Chancellor and Vice-President (Research) or the media to be briefed outside of standard reporting; and
- g. if it is a complaint against a student, in which case the findings of the preliminary assessment will be referred to the Student Conduct team, in accordance with 'initial assessment' section of the [Student Misconduct Rule 2020](#).

Preliminary assessment and investigation

(22) An assessment officer will be appointed to conduct a preliminary assessment and investigation of the facts of the

complaint and establish whether the complaint is:

- a. a breach of the Code;
- b. a breach of the Code constituting research misconduct; or
- c. a breach of the Code likely to constitute serious research misconduct requiring further investigation.

(23) The designated officer (DO) will appoint an appropriate assessment officer (AO) for preliminary investigation.

(24) The AO:

- a. will be selected from the following:
 - i. Executive or Deputy Dean of the relevant faculty.
 - ii. Associate Dean, Research of the relevant faculty.
 - iii. Sub-Dean, Graduate Studies of the relevant faculty.
 - iv. Head of School of the relevant school.
 - v. Director of Research Services.
 - vi. Presiding officer of the relevant compliance committee.
 - vii. The director of the relevant research centre.
 - viii. A suitable senior officer of the University relevant to the circumstances of the complaint;
- b. must not have a real or perceived conflict of interest relating to the complaint or any parties involved;
- c. will review the information and evidence provided relating to the complaint;
- d. may seek information or advice from the complainant, discipline experts or relevant parties to establish the facts;
- e. may clarify the information gathered with the respondent, having provided sufficient detail to the respondent to ensure they understand the complaint, either:
 - i. via written correspondence in which case the respondent will be given an opportunity to respond in writing; or
 - ii. in person in which case the respondent will be entitled to bring a support person; and
- f. will ensure full and accurate records are maintained with the assistance of the research integrity officer.

(25) The AO will provide a letter of allegation to the respondent clearly outlining the alleged claims against the respondent and provide relevant information and evidence collected to support the claims. This information may be redacted in part to protect the confidentiality of the complainant or other relevant parties.

(26) The respondent will be given 10 working days to consider the information and allegations and must provide a written response to the AO. The respondent may provide supporting documentation to the AO with the written response.

(27) The AO will consider the respondent's response and supporting documentation within 10 working days.

(28) The AO will provide a report to the DO that includes a summary of the investigation and a recommendation that on the balance of probabilities the complaint is:

- a. found to have not been upheld and provides a recommendation for dismissal;
- b. found to be upheld as a breach of the Code and provides a recommendation for resolution via a warning and counselling;
- c. found to be upheld as a breach of the Code constituting research misconduct and provides a recommendation for a resolution via appropriate corrective actions that may include a warning and counselling;
- d. found to be upheld as a breach of the Code that is likely to constitute serious research misconduct requiring

further investigation. The AO will recommend that the matter be referred:

- i. for staff, to the Division of People and Culture for further investigation via the Enterprise Agreement processes and referral to the Vice-Chancellor as the responsible executive officer;
 - ii. for students, a student misconduct committee in accordance with Division 4 of the [Student Misconduct Rule 2020](#); or
 - iii. for staff of partner organisations, to the partner organisation and the relevant University partner agreement contact or owner.
- e. found to be an uncontested breach and provides a recommendation in accordance with 28 b,c or d; or
 - f. found to be unrelated to research activity and recommends referral to other university processes.

Outcome of preliminary assessment and investigation

(29) On receipt of the assessment officer's report the designated officer will:

- a. dismiss the allegations, in which case they will notify the parties involved accordingly;
- b. work with relevant parties to resolve the matter at a local level with or without corrective actions as required;
- c. refer the matter to other university processes;
- d. forward the matter to the Vice-Chancellor as the responsible executive officer via the Division of People and Culture for investigation into a breach of the code constituting serious research misconduct under the [Enterprise Agreement](#) processes; or
- e. for students, follow the processes stated in the [Student Misconduct Rule 2020](#); or
- f. for staff of partner organisations, follow the processes stated in partnership agreements or the partner organisations policies and procedures.

(30) Where a resignation or an acceptance of responsibility for a breach occurs, further investigation may still be required to establish the facts and identify any corrective actions necessary, including correcting the public record or making procedural or systemic improvements.

(31) A review of an investigation on the basis of procedural fairness may be requested by any party. This must be submitted in writing to the University Ombudsman.

Section 5 - Guidelines

(32) Nil.

Status and Details

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