

# Research Misconduct Allegation Procedures

---

## INTRODUCTION

The University is committed to providing a research environment that will promote a high standard of professional conduct by its researchers, and a culture of research practice that is ethical, competent, safe and accountable. Research within the University must be conducted in accordance with the principles outlined in the [Australian Code for the Responsible Conduct of Research 2007](#) and with relevant workplace agreements and legislation. The University intends to progressively include this framework for handling research misconduct in relevant instruments regulating employment conditions.

These procedures have been developed to cover misconduct relating to research activities of all staff, students and visitors to the University. Staff Misconduct not related to research activities is covered under the [CDU and Union Enterprise Agreement](#). Student Misconduct not related to research activities is covered under the [Charles Darwin University \(Student Conduct\) By-Laws](#).

Both the individual who raises the issue of concern and the person/s of concern, are entitled to be heard and treated fairly under the Principles of Natural Justice

## COMPLIANCE

This is a compliance requirement under the [Australian Code for the Responsible Conduct of Research 2007](#) and the University's [Code of Conduct](#).

## INTENT

These procedures are intended to provide a framework for resolving allegations of deviations from the University's [Responsible Conduct of Research Policy](#) and the principles of the [Australian Code for the Responsible Conduct of Research 2007](#) and more serious allegations of Research Misconduct. These procedures outline mechanisms for responding to research misconduct allegations in a manner that ensures the fair treatment of all parties, as well as the continued integrity and professionalism of research activities of the University.

## RELEVANT DEFINITIONS

In the context of this document

**Adviser in Research Integrity** means individuals appointed by the Vice-Chancellor to advise those making, or considering making, an allegation. The Advisers explain the options open to the person considering making, or having made, an allegation. Advisers must not make contact with the person who is the subject of the allegation and must not be involved in any subsequent inquiry. At CDU, the Heads of School and Directors of Research Institutes and Centres are the nominated Advisers;

**Breach** means a deviation from the [Australian Code for the Responsible Conduct of Research 2007](#), which has minimal harmful consequences and can be appropriately remedied within the academic unit;

**Designated Person** means an individual appointed by the Vice-Chancellor who investigates an allegation of research misconduct and advises the Vice-Chancellor whether the allegations appear to be justified and whether a prima facie case exists. The designated person must provide advice to the Vice-Chancellor on how the matter should proceed. Should the advice be to proceed to a research misconduct inquiry then the Designated Person should not play any further role in the matter, except if called to provide evidence or expert opinion. At the University, the Deputy Vice-Chancellor is the nominated designated person;

**Governance document** means a formally approved document that outlines non-discretionary governing principles and intentions, in order to guide University practice. Governance documents are formal statements of intent that mandate principles or standards that apply to the University's governance or operations or to the practice and conduct of its staff members and students they include the Charles Darwin University Act (2003), by-laws, policies, procedures, guidelines, rules, codes and the Enterprise Agreement;

**Natural Justice** means the basic principles considered central to fair decision making and which can be summarised as follows:

- The right to a fair hearing. This requires the decision maker to allow a person whose interests may be adversely affected by a decision to present his or her case;
- The rule against bias. This requires a decision maker to be unbiased in relation to the matter to be decided; and
- The rule of evidence. This requires that a decision be based on the evidence provided, and not on irrelevant issues.

**Research** 'includes work of direct relevance to the needs of commerce, industry, and to the public and voluntary sectors; scholarship; the invention and generation of ideas, images, performances, artefacts including design, where these lead to new or substantially improved insights; and the use of existing knowledge in experimental development to produce new or substantially improved materials, devices, products and processes, including design and construction. It excludes routine analysis of materials, components and processes such as for the maintenance of national standards, as distinct from the development of new analytical techniques. It also excludes the development of teaching materials that do not embody original research.' (Higher Education Funding Council for England, Scottish Higher Education Funding Council for Wales, & Department of Employment and Learning Northern Ireland (2005) RAE 2008: Research Assessment Exercise Guidance to Panels, p. 28. NB: **Scholarship** for the RAE is defined as the creation, development and maintenance of the intellectual infrastructure of subjects and disciplines, in forms such as dictionaries, scholarly editions, catalogues and contributions to major research databases.);

**Researcher** means any staff member, person awarded honorary or academic status by the University, student, or person otherwise associated with the University, who conducts or supports research in the course of employment, study or a formal research affiliation with the University;

**Research Misconduct** means an alleged breach of the [Australian Code for the Responsible Conduct of Research 2007](#) with:

- Intent and deliberation, recklessness or gross and persistent negligence; and
- Serious consequences, such as false information on public record; mismanagement of research funds; or adverse effects on research participants, animals or the environment.

**Staff member** means anyone employed by the University and includes all continuing, fixed-term, casual, adjunct or honorary staff or those holding University offices or who are a member of a University committee;

**Supervisor** means

- In the case of a staff member, the staff member's Head of School or Director of Research Institute or Centre; and
- In the case of a student, that student's Principal Supervisor, and

**Visitor** means any collaborator, volunteer, secondee, or other person involved in the conduct of research who is not an employee or student of the University.

## PROCEDURES

Any person concerned that a researcher, research student or visitor has not acted responsibly must take action in a timely manner in accordance with University governing documents and the [Australian Code for the Responsible Conduct of Research 2007](#).

### Seeking advice

The University has senior staff who are able to act as advisors in research integrity. These are normally the Heads of Schools and Directors of Research Institutes and Centres, who can be approached in confidence to discuss the issue of concern.

The Head of School or Director, Research Institute or Centre will discuss the matter, the [Australian Code for the Responsible Conduct of Research 2007](#) and relevant University governing documents, and explain the options available to the person raising the concerns. Options will include:

- Not proceeding with a formal allegation if discussion resolves the concerns;
- Referring the matter directly to the person of concern;
- Referring the matter, in writing, to the Pro Vice-Chancellor of the relevant Faculty or Director of the relevant Institute or Centre for their consideration and any necessary follow-up; and/or
- In serious cases, making an immediate formal allegation in writing to the Pro Vice-Chancellor of the relevant faculty and Deputy Vice-Chancellor for their consideration and action.

The advisor's role does NOT extend to assessment or investigation of the allegation and the advisor will NOT make contact with a person who is the subject of an allegation. Nor will the advisor be involved in any subsequent investigation or inquiry.

### Reporting a Breach

Individuals who believe they have identified a breach of the [Australian Code for the Responsible Conduct of Research 2007](#) should advise the Pro Vice-Chancellor of the faculty or Director of the Institute or Centre concerned in writing, providing supportive evidence for the allegation. (NOTE: Should the individual not have the confidence to directly approach the Director or Pro Vice-Chancellor, they may choose to approach the Deputy Vice-Chancellor with their concern).

The Pro Vice-Chancellor/Director should meet with the complainant, the accused and their supervisors within ten (10) working days to determine the veracity and seriousness of the breach.

Should the Pro Vice-Chancellor/Director find there is an allegation to be upheld, they should identify and develop an appropriate pathway for addressing any behavioural matters and process deviations in consultation with the supervisor of the accused and their Head of School. The pathway should include options such as counselling and warnings, and should adhere to the Principles of Natural Justice.

All relevant parties, including both the accused and the complainant should be made aware of the findings and actions being taken to address the breach.

The Supervisor and the Head of School or Director/Pro Vice-Chancellor, should monitor relevant activities of the accused to ensure that the identified actions are taken and that the issues of concern are rectified. The Pro Vice-Chancellor of the relevant faculty or Director of the Institute/Centre involved should document both the breach and rectifying actions taken and place the report on the individual's personnel file.

Should the complaint not be satisfactorily resolved, then the matter should be forwarded in writing, along with the supportive evidence documentation of all actions taken, to the Deputy Vice-Chancellor.

### Reporting Research Misconduct

Allegations of research misconduct as defined earlier must be referred in writing, with supporting evidence, to the Deputy Vice-Chancellor, either directly or through the Pro Vice-Chancellor of the faculty or Director of the Institute/Centre involved. This also includes when alleged breaches cannot be satisfactorily dealt with at faculty-level.

The Deputy Vice-Chancellor will advise the Vice-Chancellor whether a prima facie case exists, and how to proceed. Options include:

- Dismissing the allegations;
- Instructing the faculty/institute/centre on how to deal with the allegations;
- Dealing with the complaint under provisions unrelated to research misconduct; and/or
- Investigating the matter further through a research misconduct inquiry.

If the Vice-Chancellor decides that a research misconduct inquiry is needed, he or she must decide whether to use an internal institutional research misconduct inquiry or an independent external research misconduct inquiry, in accordance with Chapter 12 of the [Australian Code for the Responsible Conduct of Research 2007](#).

The panel of inquiry has the responsibility to hear the views of all parties before a decision is made and all members of an inquiry must be free from bias or conflicts of interest.

A person who is the subject of an allegation must be treated in accordance with the Principles of Natural Justice, including the provisions of support and opportunity to respond to the allegations.

A person who makes an allegation must also be treated in accordance with the Principles of Natural Justice and legislative provisions for whistle-blowers during and following investigation of the allegations.

Upon completion of its tasks, the research misconduct inquiry must advise the Vice-Chancellor of its findings of fact and what, if any, research misconduct has occurred.

Should the finding uphold the allegation of research misconduct, the Vice-Chancellor must then determine the actions to be followed, according to institutional policy.

Should the finding not uphold the allegation, appropriate actions must also be taken to ensure the continued good-standing of the accused.

Subsequent actions must include informing all relevant parties of the outcome and, as appropriate, correcting the public record.

## ESSENTIAL SUPPORTING INFORMATION

### Internal

[Academic and Scientific Misconduct Policy](#)

[CDU and Union Enterprise Agreement](#)

[CDU Code of Conduct](#)

CDU Ethics Guidelines

[CDU Human Research Ethics Committee Guidelines](#)

[Conflicts of Interest Policy](#)

[Conflicts of Interest Procedures](#)

[Research Practice Policy](#)

[Student Conduct By-Laws](#)

### External

[Australian Code for the Responsible Conduct of Research 2007](#) (Commonwealth)

[Australian Code of Practice for the Care and Use of Animals for Scientific Purposes 2013](#)(Commonwealth)

[Australian Institute of Aboriginal and Torres Strait Islander Studies Guidelines for Ethical Research in Indigenous Studies 2012](#) (Commonwealth)

[Australian Research Council Guidelines for Disclosure of Interests and Confidentiality 2009](#) (Commonwealth)

[National Health and Medical Research Council \(NHMRC\) National Statement on Ethical Conduct in Human Research 2007 \(Updated 2015\)](#) (Commonwealth)

## Document History and Version Control

<b>Last amendment:</b>	15 Dec 2017	<b>Next Review:</b>	Sep 2012
<b>Sponsor:</b>	Deputy Vice-Chancellor, Research and Research Training		
<b>Contact Officer:</b>	Director, Research and Innovation		

Version	Date Approved	Approved by	Brief Description
1.00	24 Sep 2010	Academic Board	Creation of original document and upload to CDU website.
1.01	29 Aug 2011	Governance	Amend executive Dean to Pro Vice-Chancellor to reflect title change
1.02	22 Jul 2013	Governance	<ul style="list-style-type: none"> <li>Assigned document number</li> <li>Converted document to current template</li> <li>Updated and added hyperlinks</li> <li>Minor changes to wording, grammar and formatting</li> <li>Changed DVCRI to DVC in line with current title</li> <li>Added relevant definitions</li> </ul>
1.03	15 Dec 2017	Governance	<ul style="list-style-type: none"> <li>Converted document into new template</li> <li>Updated definitions</li> <li>Updated hyperlinks</li> <li>Amended "The Code" with Australian Code for the Responsible Conduct of Research 2007</li> <li>Reference to CDU HREC changed to CDU Human Research Ethics Committee Guidelines</li> <li>Amended the Australian code for the care and use of animals for scientific purposes 2004 to 2013</li> <li>Amended the National Health and Medical Research Council (NHMRC) National Statement on Ethical Conduct in Human Research 2007 (Updated 2009) (Commonwealth) to (updated 2015)</li> <li>Added a Sponsor Deputy Vice-Chancellor, Research and Research Training</li> </ul>