



RESEARCH INTEGRITY AND CONDUCT POLICY: BREACHES, CONCERNS AND COMPLAINTS

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Supporting documents, procedures & forms of this policy:	Academic Integrity Policy Authorship Policy Code of Practice – Responsible Conduct of Research Conflict of Interest Policy Higher Degree Research (HDR) Student Academic Complaints Policy Higher Degree Research (HDR) Supervision and Resources Policy Public Interest Disclosure Website Records Management Policy Research Data Management Policy Research Integrity and Conduct Procedure: Breaches, Concerns and Complaints Student Conduct Rules Workplace Health and Safety Policy		
Relevant Legislation & External Documents:	Australian Code for the Care and Use of Animals for Scientific Purposes General Retention and Disposal Authority GDA-23 Guide to Managing and Investigating Potential Breaches of the Code National Statement on Ethical Conduct in Human Research Research Integrity and Research Misconduct Policy 2016 Public Interest Disclosures Act 1994 No 92 State Records Act 1998 The Australian Code for Responsible Conduct of Research (2007)		

	The Australian Code for the Responsible Conduct of Research (2018)
Audience:	Public

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Contents

1	Purpose.....	4
2	Definitions.....	4
3	Application & Scope.....	5
4	Policy Principles.....	5
5	Breaches of the Code.....	6
6	Roles & Responsibilities.....	7
7	Version Control and Change History.....	8

1 Purpose

1. This policy:
 - a. Is a critical component of the framework established by the Australian research Council / National Health and Medical Research Council’s Australian Code for the Responsible Conduct of Research (“The Code”).
 - b. Outlines the principles for handling any concerns, complaints or allegations about the conduct or practice of research at the University of Wollongong (“the University”).
 - c. Adheres to the guidelines provided by funding agencies including the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC).

2 Definitions

Word/Term	Definition (with examples if required)
ARC	Australian Research Council
Breach	Behaviour that fails to meet the principles or responsibilities of the Code, or fails to comply with relevant policies or legislation. May be used to refer to a single breach or multiple breaches.*
NHMRC	National Health and Medical Research Council
Processes	Includes reference to policies, procedures, guidelines and standards.*
Research	The creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative.
Researcher	Staff member, occupational trainees, visiting student, visiting fellow, volunteer, industry fellow, honorary and adjunct title holders, Emeritus Professors, professional staff, visiting students and all students registered for any course at the University who conduct research at or on behalf of the University.
Research Integrity Adviser (RIA)*	Person appointed to promote the responsible conduct of research and provide advice to those with concerns or complaints about potential breaches of the Code. This person will have research experience, knowledge of University policies and procedures, external legislation, obligations and familiarity with acceptable research practices. This role does not extend to the investigation or assessment of a complaint or concern.
Research Misconduct	A serious breach of the Code which is also intentional or reckless or negligent.
Staff Member	All persons appointed as an academic or professional staff member of the University, whether they hold full-time, part-time, casual, contract or conjoint appointments.
The Code	<i>The Australian Research Council / National Health and Medical Research Council’s Australian Code for the Responsible Conduct of Research and the ARC / NHRMC Code or The Code for short.</i>
The University	University of Wollongong.
Visiting Fellow	Honorary and visiting fellows appointed by UOW to non-salaried, full-time or fractional positions titled “Associate Fellow”, “Fellow”, “Senior Fellow”, “Principal

	Fellow”, “Professorial Fellow”, “Visiting Fellow”, or “Research Fellow” who are not Visiting Students or Volunteers.
Visiting Student	A student who undertakes part of their research or training at UOW but who is not registered at UOW.
Volunteer	A person who is not a Fellow, Visiting Student, Staff Member or Student of UOW but is working on a UOW project in a voluntary capacity. An example of a volunteer is someone who is undertaking unpaid work experience at UOW or is doing an internship at UOW. A collaborating colleague from another University or research institution is not a Volunteer.

* As defined by the Code.

3 Application & Scope

1. This policy applies to departures from the principles and responsibilities of the Code by researchers which are referred to as “breaches”.
2. This policy should be read in conjunction with other University Policies and Procedures including the *Code of Practice – Responsible Conduct of Research, Research Integrity and Conduct Procedure: Breaches, Concerns and Complaints*, relevant legislation and external documents including the Code and the *Guide to Managing and Investigating Potential Breaches of the Code*.
3. In the event that a Student or Visitor is also a Staff Member or vice versa, this policy will apply to the role most relevant to the concern or complaint.
4. This policy does not apply to concerns or complaints pertaining to academic misconduct by a Researcher or a student who is wholly or substantially unconnected with the conduct of Research. Instances of Academic Misconduct will be addressed in accordance with the relevant University policy such as the *Student Conduct Rules, Academic Integrity Policy* or other policy of relevance.

4 Policy Principles

1. The principles of procedural fairness apply to all stages of investigating and managing potential breaches of the Code. These principles encapsulate the following:
 - a. The Hearing Rule: an opportunity to be heard;
 - b. The rule against bias: decision-makers do not have any personal interest in the outcome of an investigation;
 - c. The Evidence rule: decisions are based on evidence.
2. In investigating and managing a potential breach of the Code, the University must:
 - i. Ensure investigations and subsequent actions are proportional to the extent of the potential breach;
 - ii. Afford procedural fairness to respondents, complainants and others who may be adversely affected by an investigation; Impartial, with any conflicts of interest disclosed and managed along with any other aspects that do or may be perceived to jeopardise the impartiality of decision-makers;
 - iii. Timely, avoiding any undue delays and mitigating the impact on those involved;
 - iv. Transparent, with clear, documented, processes available to all parties and maintenance of accurate records throughout the process. Records should be held centrally and in accordance with the relevant legislation.
 - v. Confidential and not disclosed unless required.

5 Breaches of the Code

1. Breaches occur on a spectrum from minor (less serious) to major (more serious).
2. **Minor breaches** may include administrative or clerical errors or careless oversight and may be able to be addressed locally prior to the need to conduct a preliminary assessment.
3. **Major breaches** are more serious and require a more formal investigation to be undertaken. The term “research misconduct” may be applied to these type of breaches and they must be considered in the context of other institutional processes, such as employment or student disciplinary agreements.
4. Examples of what may constitute a breach of the Code include, but are not limited to, the following:
 - a. **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*;
 - Failure to conduct research in accordance with the approval received from an appropriate ethics review body;
 - Conducting research without the required approvals, permits or licences eg. Defence Trade Controls Permit etc.
 - Misuse of research funds; Concealment or facilitation of breaches (or potential breaches) of the Code by others.
 - b. **Fabrication, Falsification, Misrepresentation**
 - Fabrication, falsification or misrepresentation of research data and/or source material;
 - Misrepresentation or falsification to obtain funding.
 - c. **Plagiarism**
 - Copying the work of another including theories, concepts, research data and source material;
 - Duplication of a publication (or self-plagiarism) without acknowledging the source.
 - d. **Research Data Management**
 - Failure to maintain research records appropriately;
 - Inappropriate destruction, disclosure of, or access to, research records, research data and/or source material
 - e. **Supervision**
 - Failure to provide adequate guidance or mentorship on responsible research conduct to researchers or research trainees that a person has been designated to supervise.
 - f. **Authorship**
 - Failure to fairly acknowledge the contributions of others;
 - The misleading ascription of authorship to those that do not satisfy the criteria or failing to offer authorship to those who qualify as outlined in the *Authorship Policy*.
 - g. **Conflicts of Interest**
 - Failure to disclose and manage actual or perceived conflicts of interest.
 - h. **Peer Review**
 - Failure to responsibly conduct peer review.

5. To consider the seriousness of a breach of the Code the following factors to be considered (without excluding other factors) are:
 - a. the extent of the departure from accepted practice;
 - b. the extent to which research participants, the wider community, animals and the environment are, or may have been, affected by the breach;
 - c. the extent to which it affects the trustworthiness of research;
 - d. the level of experience of the researcher;
 - e. whether there are repeated breaches by the researchers;
 - f. whether institutional failures have contributed to the breach; and/or
 - g. any other mitigating or aggravating circumstances.
6. Honest differences in judgement and unintentional errors do not usually constitute research misconduct unless they result from behaviour that is found to be reckless or negligent.
7. Repeated or persistent breaches that, in isolation, may be regarded as “minor”, but collectively constitute a serious breach.

6 Roles & Responsibilities

1. The **University** has a responsibility to:
 - a. Promote a culture that fosters responsible research practice;
 - b. Develop, disseminate, implement and review institutional processes that promote adherence to the Code;
 - c. Demonstrate processes that enable a complainant to lodge concerns formally with the knowledge these will be addressed confidentially and sensitively and with care to avoid any adverse consequences for the individual;
 - d. Have robust, equitable and fair processes in place for investigating concerns, complaints or allegations of breaches of the Code and this policy;
 - e. Undertake a regular review of the effectiveness of this policy and associated processes;
 - f. Ensure those involved in the management and investigation of potential breaches of the Code have the necessary skills and are appropriately resourced;
 - g. Determine the appropriate composition of any investigation Panel;
 - h. Address any systemic issues relating to matters of research integrity and implement corrective actions as necessary;
 - i. Consider advising other institutions of the outcome of a preliminary assessment or investigation where appropriate.
2. **Researchers** have a responsibility to:
 - a. Comply with this policy, the Code and all applicable regulations;
 - b. Ensure their research conduct and practices reflect the principles and responsibilities as set out in the Code and this policy;
 - c. Promote and observe responsible research practice in support of a strong research culture at the University and of the conduct of research that serves the interests of the community; and
 - d. Report any concerns or suspected breaches of the Code in accordance with the University *Research Integrity and Conduct Procedure: Breaches, Concerns and Complaints*.
3. **Faculties/Institutes** have a responsibility to promote a culture of responsible conduct of research and promote best practice in managing research misconduct. They must:

- a. Nominate at least (1) person per Faculty/Institute to the role of Research Integrity Adviser to be part of a proactive network that assists in complying with the principles and responsibilities of the Code and this Policy;
 - b. Manage complaints or allegations of research misconduct in accordance with the *Research Integrity and Conduct Procedure: Breaches, Concerns and Complaints* and;
 - c. Actively promote a strong culture of responsible research by all staff and students.
4. **Research Integrity Advisers (RIAs)** provide information and guidance to any person that may have a concern about research conduct or practices at the University. This includes identifying whether a concern or complaint is related to a breach of the Code and advising on the University processes to be completed to progress the concern or complaint.
5. Specific roles and responsibilities of those involved in investigating and managing concerns and complaints that relate to research activities at the University are detailed in the University *Research Integrity and Conduct Procedure: Breaches, Concerns and Complaints*.

7. Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	12 October 2007 (the date the procedure takes effect)	University Council	New policy introduced in response to changes to the guidelines provided by the Australian Vice Chancellor's committee (AVCC) and the National Health and Medical Research Council (NHMRC). Updates to reflect 2007 Australian Code for the Responsible Conduct of Research.
2		DVCR	Minor Amendments to amend inconsistencies -No change to policy intent or procedures-
3	6 May 2009	Vice Principal (Administration)	Migrated to UOW Policy Template as per Policy Directory Refresh
4	7 August 2009	University Council	Review and update. Minor amendments to replace reference to PBCR position and inclusion of interim appeals provisions.
5	5 February 2010	University Council	References to <i>Council Committee of Appeal (Student Matters)</i> amended to <i>Council Committee of Appeal</i> as per University Council resolution 2010/03
6	26 August 2010	Vice Principal (Administration)	Updated to reflect divisional name change from Personnel Services to Human Resources Division
7	17 August 2012	University Council	Major review and alignment of the Policy with the <i>NHMRC Australian Code for the Responsible Conduct of Research</i> , resulting in changes to improve processes and clarify roles, and addition of urgency and appeal provisions
8	11 September 2013	Chief Administrative Officer	Updated to reflect title change from VP(A) to CAO
9	Autumn Session 2015	University Council	Updated to reflect title change from DVC(R) to DVC (R&I) as well as the renaming of the Student Research Centre (SRC) to the

			Graduate Research School (GRS)
10	12 October 2017	University Council	Policy has been extracted and updated to reflect the <i>NHMRC Australian Code for the Responsible Conduct of Research</i> definitions of breach, complaints and research misconduct. A subsequent procedural document has been developed to adequately capture the process to investigate and resolve issues raised.
11	January 2019	Vice-Chancellor	Policy has been updated to reflect the <i>Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research (2018)</i> .