



# MANAGING AND INVESTIGATING POTENTIAL BREACHES OF THE RESEARCH CODE POLICY

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<b>Supporting documents, procedures &amp; forms:</b>	<a href="#">Academic Integrity Policy</a> <a href="#">Anti-Racism and Cultural Safety Policy</a> <a href="#">Authorship Policy</a> <a href="#">Code of Practice – Responsible Conduct of Research</a> <a href="#">Conflict of Interest Policy</a> <a href="#">Fraud and Corruption Prevention Policy</a> <a href="#">Grievance Policy</a> <a href="#">Higher Education Standards Framework</a> <a href="#">Higher Degree Research (HDR) Student Academic Complaints Policy</a> <a href="#">Higher Degree Research (HDR) Supervision and Resources Policy</a> <a href="#">Privacy Policy</a> <a href="#">Research Integrity Advisors Handbook</a> <a href="#">Records Management Policy Research Data Management Policy</a> Managing and Investigating Potential Breaches of the Research Code Procedure (under review - link to be added when available) <a href="#">Respect for Diversity Policy</a> <a href="#">Risk Management Policy</a> <a href="#">Student Conduct Rules</a> <a href="#">University Code of Conduct</a> <a href="#">University of Wollongong (Academic Staff) Enterprise Agreement</a>		



	<a href="#">University of Wollongong (Professional Services Employees) Enterprise Agreement</a> <a href="#">Workplace Health and Safety Policy</a>
<b>Relevant Legislation &amp; External Documents:</b>	<a href="#">Australian Code for the Care and Use of Animals for Scientific Purposes</a> <a href="#">General Retention and Disposal Authority GDA-23</a> <a href="#">Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research 2018</a> <a href="#">NHMRC Research Integrity and Misconduct Policy 2019</a> <a href="#">NHMRC Research Integrity Advisors Guide 2022</a> <a href="#">Public Interest Disclosures Act 1994 No 92</a> <a href="#">Public Interest Disclosures Act 2022 (NSW)</a> <a href="#">State Records Act 1998</a> <a href="#">The Australian Code for Responsible Conduct of Research 2018</a> <a href="#">The Australian Research Council Research Integrity Policy 2021</a>
<b>Audience:</b>	Public

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## 1 Purpose of Policy

1. This policy outlines the principles for handling any concerns, complaints or allegations about the conduct or practice of research at the University of Wollongong ('the University').
2. The policy facilitates compliance of the University research activities with The Australian Code for the Responsible Conduct of Research (2018) ('the Code') and the supporting 'Guides', including The Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research (2018).

## 2 Definitions

Word/Term	Definition (with examples if required)
ARC	Australian Research Council
Authorship	The intellectual participation in conceiving, executing, or interpreting at least part of a research, scholarly or other academic output sufficient for the author to take public responsibility for that output. Governed by the Authorship Policy
Breach	A failure to meet the principles and responsibilities of the Code, may refer to a single breach or multiple breaches
Complainant	A person or persons who has raised a concern or made a complaint about the conduct of research
NHMRC	National Health and Medical Research Council
Research	The concept of research is broad and includes 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 and all students registered for any course at the University who conducts, or assist with the conduct of, research at or on behalf of the University
Research Integrity Adviser (RIA)	A person with knowledge of the Code and institutional processes nominated by an institution to promote the responsible conduct of research and provide advice to those with concerns or complaints about potential breaches of the Code
Research Misconduct	A serious breach of the Code which is also intentional or reckless or negligent
Respondent	Person or persons subject to a concern, complaint, or allegation about a potential breach of the Code



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	The Australian Research Council / National Health and Medical Research Council's Australian Code for the Responsible Conduct of Research 2018
The Guide	The Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research 2018
The University Research Code	The UOW Code of Practice – Responsible Conduct of Research
The University	University of Wollongong

### 3 Application & Scope - Exclusions or Special Conditions

1. This policy applies to all persons at the University. This includes staff, students and all other persons conducting research as a university affiliate or while visiting the University.
2. This policy should be read in conjunction with other University Policies and Procedures including the Code of Practice – Responsible Conduct of Research; the Managing and Investigating Potential Breaches of the Code procedure; relevant legislation and external documents including the Code and the Guide to Managing and Investigating Potential Breaches of the Code.
3. If a person has more than one role at the University (e.g., a student is also a Staff Member or vice versa) this policy will apply to the role most relevant to the concern or complaint.
4. All staff and students must report suspected breaches of the Code, and a failure to report suspected breaches of the Code may be considered a breach of the Code.
5. The following concerns or complaints may be addressed in accordance with other relevant University policies:
  - Concerns or complaints that do not meet the application and scope of this policy
  - Concerns or complaints that may constitute fraud or corruption
  - Concerns or complaints that may constitute a breach of The University Code of Conduct and related policies
  - Concerns or complaints that may constitute a breach of student conduct rules
  - Concerns or complaints that may involve a Public Interest Disclosure, as that term is defined in the Fraud and Corruption Policy

### 4 Policy Principles

1. The Managing and Investigating Potential Breaches of the Research Code Policy is aligned to the Code and the Guide.
2. The Code indicates that potential breaches occur on a spectrum from minor (less serious) to major (more serious). The level of investigation and any consequential corrective or disciplinary actions will reflect the seriousness of the potential breach. For example, the more serious the potential conduct the more serious the potential consequences for the respondent.



3. The principles of procedural fairness apply to all stages of managing and investigating potential breaches of the Code. The principles encapsulate the following:
  - The Hearing Rule: an opportunity to be heard
  - The rule against bias: decision-makers will bring an impartial mind to their task and be perceived as such (free from actual bias and apprehended bias)
  - The Evidence rule: decisions are based on evidence
4. The University will ensure that initial assessments and investigations are:
  - Proportional. Assessments and Investigations and subsequent actions need to be proportional to the extent of the potential breach of the Code
  - Fair. Assessments and investigations need to afford procedural fairness to respondents and, where appropriate, complainants and others who may be adversely affected by any investigation
  - Impartial. Assessment officers, investigators and decision-makers are to be impartial and declare any interests that do, may, or may be perceived to jeopardise their impartiality. These interests are to be appropriately managed
  - Timely. Assessments and investigations into potential breaches should be conducted in a timely manner to avoid undue delays and to mitigate the impact on those involved
  - Transparent. Information about institutional processes should be readily available and/or provided to respondents, complainants, all employees and students engaged in research. Institutions need to ensure accurate records are maintained for all parts of the process, with records held centrally and in accordance with relevant legislation
  - Confidential. Information will be treated as confidential and not disclosed unless required
5. Findings of a breach of the Code must be made by applying the civil standard of proof. That is, on the balance of probabilities, based on available evidence, it must be more probable that a breach has occurred than it has not.
6. The safety and wellbeing of advice seekers, complainants, respondents, witnesses, the panel and staff is a key concern for The University and support will be offered where available and as appropriate. The University will endeavour to manage and investigate potential breaches of the Code by providing, for example:
  - procedural fairness
  - cultural safety
  - physical and/or digital settings that are safe
  - interpersonal interactions that promote a sense of safety
  - information about support and support persons for students and HDR candidates
  - information about support and support persons for staff
  - transparent processes



7. Managing potential breaches of the Code should be guided by the University Risk Management Framework.
8. University staff involved in managing and investigating potential breaches of the Code should be identified to complainants and respondents.
9. Victimisation of, or detrimental action against a person for reporting or otherwise being involved in the investigation of a potential breach of the Code will not be tolerated, per the University Code of Conduct.
10. Actual, potential, or perceived conflicts of interest will be disclosed and managed, per the University Conflict of Interest Policy.
11. The University accepts anonymous complaints and aims to investigate where possible. However, if there is insufficient or unclear detail provided, the University may decide not to pursue the complaint.
12. Complainants may request that their identity be withheld at any, and all, steps in the procedure. Whenever possible, this request will be agreed to however the need to provide procedural must also be considered. There may be some instances where the matter of a complaint is so personalised, it is not possible to progress a complaint without the complainant being easily identifiable.
13. 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.
14. Repeated or persistent breaches that, in isolation, may be regarded as “minor”, can collectively constitute a serious breach in some circumstances.

## 5 Confidentiality, Privacy and Recordkeeping

1. The University will take all reasonable steps to ensure that information relating to reports of suspected breaches of the Code are handled in a confidential manner and in accordance with its privacy obligations, unless an exception applies under law.
2. The collection and use of an individual’s personal information will be limited, to the extent that is reasonably necessary, in order to deal with reports of suspected breaches of the Code in line with the University’s relevant policies and processes.
3. Information will not be released outside the University, unless the individual to whom the information relates provides consent, or the release is otherwise permitted or authorised under law, such as where:
  - a. it is necessary to prevent a serious and imminent threat to the life, health or safety of any individual; or
  - b. the University has a legal obligation to release the information, such as under subpoena; or
  - c. there is a legal requirement to report to relevant agencies, such as NSW Police or funding agencies.
4. Records relating to reports of suspected breaches of the Code to the University will be retained in accordance with the University’s Records Management Policy.
5. Non-identifying information will be used by the University to monitor trends on campus, inform our support strategies and design educational and preventative campaigns.
6. All parties must be informed of their responsibility to maintain confidentiality. In some circumstances, information relating to a complaint may be discussed with a third party, for example:



- with a research integrity advisor, a support person, or medical practitioners or counsellors who are bound by confidentiality codes
- when seeking confidential expert advice in relation to the matter.

## 6 Roles and Responsibilities

### 1. The University has a responsibility to:

- Abide by the Australian Code for the Responsible Conduct of Research, and the UOW Code, which articulate the responsibilities that institutions and researchers are expected to follow
- 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
- Have robust, equitable and fair processes in place for investigating concerns, complaints or allegations of breaches of the Code and this policy
- Where available, and as appropriate, provide reasonable support to complainants and respondents
- Appoint Research Integrity Officers (RIOs) and Research Integrity Advisers (RIAs)
- Ensure those involved in the management and investigation of potential breaches of the Code have the necessary skills and are appropriately resourced
- Determine the appropriate composition of any investigation Panel
- Address any systemic issues relating to matters of research integrity and implement corrective actions as necessary
- Consider advising other institutions of the outcome of a preliminary assessment or investigation where appropriate, having regard to privacy considerations.
- Ensure that a report on formal complaints and allegations regarding potential breaches of the Code is made to the Risk, Audit and Compliance Committee (RACC)

### 7. University staff and students, including researchers, have a responsibility to:

- Abide by the Australian Code for the Responsible Conduct of Research, and the UOW Code, which articulate the responsibilities that institutions and researchers are expected to follow
- Comply with this policy and the Code of Conduct
- Ensure that research conduct and practices reflect the principles and responsibilities as set out in the Code and this policy
- Report any concerns or suspected breaches of the Code to appropriate channels

### 8. Faculty, Institutes and Divisions and their component units have a responsibility to:

- Comply with this policy
- Ensure that research conduct and practices reflect the principles and responsibilities as set out in the Code and this policy



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- Report any concerns or suspected breaches of the Code
  - Nominate a least one (1) person for each major unit (e.g. School/Institute) to the role of Research Integrity Advisor
9. Research Integrity Advisors roles are described in the NHMRC Research Integrity Advisors Guide 2022, and the University Research Integrity Advisors Handbook.
  10. Specific roles and responsibilities of those involved in managing, assessing, investigating concerns and complaints, and facilitating the implementation of any corrective actions identified in relation to research activities at the University, are detailed in the University Managing and Investigating Potential Breaches of the Code Procedure.



## 7 Attachments

### Attachment 1: Examples of Breaches of the Code

Examples of Breach of the Code	Explanation
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 licenses, e.g. Defence Trade Controls Permit etc. Misuse of research funds Concealment or facilitation of breaches (or potential breaches) of the Code by others
Fabrication, Falsification, Misrepresentation	Fabrication, falsification or misrepresentation of research data and/or source material Misrepresentation or falsification to obtain funding
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
Research Data Management	Failure to maintain research records appropriately Inappropriate destruction, disclosure of, or access to, research records, research data and/or source material
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
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
Conflicts of Interest	Failure to disclose and manage actual or perceived conflicts of interest
Peer Review	Failure to responsibly conduct peer review.



## 8 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 Council Committee of Appeal (Student Matters) amended to Council Committee of Appeal 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 NHMRC Australian Code for the Responsible Conduct of Research, 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 NHMRC Australian Code for the Responsible Conduct of Research 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 Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research (2018).
12	3 November 2023	Vice-Chancellor	Scheduled review of policy with major amendments including name change, revision of definitions, inclusion of relevant policies, inclusion of 'Safety, Support and Wellbeing Principles', inclusion of 'Confidentiality and Privacy', and addition of TEQSA alignment statement.