



Research and Innovation Division (RAID)

## RESEARCH MISCONDUCT POLICY

<b>Date approved:</b>	12 October 2007	<b>Date Policy will take effect:</b>	12 October 2007	<b>Date of Next Review:</b>	January 2012
<b>Approved by:</b>	University Council				
<b>Custodian title &amp; e-mail address:</b>	Director, Research Student Centre (RSC) <a href="mailto:research_student_centre@uow.edu.au">research_student_centre@uow.edu.au</a>				
<b>Author:</b>	Director, Research Student Centre				
<b>Responsible Faculty/ Division &amp; Unit:</b>	Research Student Centre, Research and Innovation Division (RAID)				
<b>Supporting documents, procedures &amp; forms of this policy:</b>					
<b>References &amp; Legislation:</b>	<a href="#">Code of Practice – Research</a> <a href="#">Code of Practice – Supervision</a> <a href="#">Academic Grievance Policy (Higher Degree Research Students)</a> <a href="#">Student Conduct Rules</a> <a href="#">Protected Disclosures Act, 1994 (NSW)</a> <a href="#">NHMRC Australian Code of Practice for the Care and Use of Animals for Scientific Purposes (7th Edition 2004)</a> <a href="#">NHMRC National Statement on Ethical Conduct in Research Involving Humans 1999</a> <a href="#">Gene Technology Act, 2000</a> <a href="#">Gene Technology Regulations, 2001 (Commonwealth)</a> <a href="#">Australian Code for Responsible Conduct of Research – December 2007</a> <a href="#">Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research (NHMRC 2003)</a> <a href="#">Guidelines for Ethical Research in Indigenous Studies (Australian Institute of Aboriginal and Torres Strait Islander Studies 2002)</a> <a href="#">Statement on Consumer and Community Participation in Health and Medical Research (NHMRC and Consumer’s Health Forum of Australian Inc., 2002)</a>				
<b>Audience:</b>	Public – accessible to anyone				
<b>Expiry Date of Policy:</b>	Not applicable				



---

Contents

1	<a href="#">Purpose of Policy</a>	3
2	<a href="#">Definitions</a>	3
3	<a href="#">Application &amp; Scope</a>	3
4	<a href="#">Research Misconduct</a>	4
5	<a href="#">Examples of Research Misconduct</a>	4
6	<a href="#">Allegations of Research Misconduct</a>	6
7	<a href="#">Establishment of a Case to Answer</a>	7
8	<a href="#">Responding to Allegations of Research Misconduct</a>	7
9	<a href="#">Inquiries and Tribunals</a>	9
10	<a href="#">Disciplinary Processes</a>	9
11	<a href="#">Roles &amp; Responsibilities</a>	10
12	<a href="#">Appeals and Reviews</a>	11
13	<a href="#">Version Control and Change History</a>	11



## 1 Purpose of Policy

1. This Policy provides a clear and transparent process for dealing with alleged research misconduct and establishing inquiries to determine whether research misconduct has occurred.
2. This Policy adheres to the guidelines provided by the Australian Vice Chancellors Committee (AVCC) and the National Health and Medical Research Council (NHMRC).

## 2 Definitions

1. Key terms used in this Policy are defined as follows:

<b>Word/Term</b>	<b>Definition</b>
<b>Breach</b>	<i>Research misconduct by a researcher with no previous record of research misconduct that does not involve potentially serious consequences.</i>
<b>Exclusion</b>	<i>A penalty whereby a student's enrolment is terminated for a defined period. The student must apply directly to UOW for readmission at the conclusion of the period of exclusion should re-admission be sought.</i>
<b>Expulsion</b>	<i>A penalty whereby a student's enrolment is terminated permanently. An expelled student shall not be re-admitted except by permission of the University Council of UOW.</i>
<b>HDR student</b>	<i>A student registered in a Higher Degree Research (HDR) program of study, namely a Masters-by-Research degree or a Doctoral degree.</i>
<b>Natural justice</b>	<i>Principles that ensure that decision-making is fair and reasonable. These involve decision-makers informing people of the case against them or their interests, giving them a right to be heard, not having a personal interest in the outcome, and acting only on the basis of logically probative evidence.</i>
<b>Officer</b>	<i>A person appointed to a particular position of responsibility or authority.</i>
<b>Reprimand</b>	<i>A formal, written rebuke by an officer.</i>
<b>Researchers</b>	<i>Staff members, students, visiting fellows, visiting students and volunteers who undertake research.</i>
<b>Research Student Centre</b>	<i>The UOW administrative division responsible for policy, governance and the management of HDR student functions.</i>
<b>Rescission</b>	<i>The act of invalidating the conferral of a degree, performed by the University Council.</i>

## 3 Application & Scope

1. This Policy applies to all staff members and students. It also applies to researchers performing research on UOW premises or under the auspices of UOW. This Policy should be read in conjunction with other related policies.



2. Misconduct unrelated to the research process, for example harassment, bullying, financial misconduct etc, falls outside the scope of this Policy and should be dealt with under the relevant University policy and/or guidelines.

#### 4 Research Misconduct

1. Research misconduct includes:
  - a. The fabrication of data: claiming results where none have been obtained;
  - b. The falsification of data including changing records;
  - c. Plagiarism, including the direct copying of textual material, the use of other people's data and/or ideas without acknowledgment;
  - d. Misleading ascription of authorship including the listing of authors without their permission, attributing work to anyone who has not contributed to the research, and the lack of appropriate acknowledgment of work produced by others;
  - e. Falsely claiming inventorship;
  - f. Other Research activities that are not compliant with the Code of Practice – Research;
  - g. Other practices that seriously deviate from those commonly accepted within the research community for proposing, conducting or reporting research. For example, failure to comply with legal requirements or official University processes (e.g. ethics compliance (refer to the Code of Practice - Research)).
2. Research misconduct does not include genuine errors or differences in interpretation or judgments of data.

#### 5 Examples of Research Misconduct

1. Examples of research misconduct include but are not limited to the following:
  - a. Misappropriation: A researcher or reviewer shall not:
    - i. plagiarise, which shall be understood to mean the presentation of the documented words or ideas of another as his or her own, without attribution appropriate for the medium of presentation;
    - ii. make use of any information in breach of any duty of confidentiality associated with the review of any manuscript or grant application; and
    - iii. omit reference to the relevant published work of others for the purpose of inferring personal discovery of new information.
  - b. Interference: A researcher or reviewer shall not without authorisation take or sequester or materially damage any research-related property of another, including without limitation the apparatus, reagents, biological materials, writings, data, hardware, software, or any other substance or device used or produced in the conduct of research.
  - c. Misrepresentation: A researcher or reviewer shall not:
    - i. state or present a material or significant falsehood; or
    - ii. omit a fact so that what is stated or presented as a whole states or presents a material or falsehood.
  - d. Intentional and deliberate, reckless or gross and persistent negligence in any aspect of research



## Categories of Research Misconduct

<b>Examples of Research Misconduct</b>	<b>Category of Research Misconduct</b>
<p><b>Collusion</b></p> <p>Presenting research in any form as independent work when it has been produced in part or in whole in collusion with other people.</p>	<i>Breach or Serious Research Misconduct</i>
<p><b>Ethics Misconduct</b></p> <p>Conducting research without adhering to ethical requirements, for example,</p> <ul style="list-style-type: none"> <li>• failing to obtain ethics clearance from the appropriate ethics committee; or</li> <li>• failing to conduct research in accordance with the activities approved by the appropriate ethics committee.</li> </ul>	<i>Serious Research Misconduct</i>
<p><b>Fabrication</b></p> <p>Intentional and unauthorised falsification or invention of any information or citation in a research exercise, for example,</p> <ul style="list-style-type: none"> <li>• fabricating sources</li> <li>• fabricating research results; or</li> <li>• changing research results.</li> </ul>	<i>Serious Research Misconduct</i>
<p><b>Facilitating research dishonesty</b></p> <p>Assisting or attempting to assist another person to engage in research dishonesty</p>	<i>Breach or Serious Research Misconduct</i>
<p><b>Fraud</b></p> <p>Deceitful behaviour by which it is sought to gain an unfair or dishonest advantage, for example submitting falsified documentation or results.</p>	<i>Serious Research Misconduct</i>
<p><b>Misleading attribution of authorship</b></p> <p>For example:</p> <ul style="list-style-type: none"> <li>• including or removing authors without their permission;</li> <li>• attributing work to someone who has not contributed to the research; or</li> <li>• not giving appropriate acknowledgement of work produced by another person.</li> </ul>	<i>Breach or Serious Research Misconduct</i>
<b>Misrepresentation</b>	<i>Serious Research Misconduct</i>



<p>Representing data or information incorrectly, improperly, or falsely. For example:</p> <ul style="list-style-type: none"> <li>• omitting information so as to mislead; or</li> <li>• misrepresentation to obtain funding.</li> </ul>	
<p><b>Obstruction/Interference</b></p> <p>Behaving in any way that impedes the research activities of others, for example taking or damaging any research-related property of someone else.</p>	<i>Serious Misconduct</i>
<p><b>Plagiarism</b></p> <p>Using another person's ideas, words or works without appropriate acknowledgement.</p> <p>Examples:</p> <ul style="list-style-type: none"> <li>• failure to acknowledge sources of quotations, ideas or data (including when paraphrasing)</li> <li>• copying another person's work (with or without consent).</li> </ul>	<i>Breach or Serious Research Misconduct</i>
<p><b>Re-publishing one's own work as original research</b></p>	<i>Breach or Serious Research Misconduct</i>
<p><b>Conflicts of Interest</b></p> <p><i>Failure to declare, avoid or manage serious conflicts of interest</i></p>	<i>Serious Research Misconduct</i>

## 6 Allegations of Research Misconduct

### Advisors in Research Integrity (ARI)

1. UOW has appointed Heads of Units and Directors of Research Strengths & Advisers in Research Integrity (ARIs). Other people or positions may also be appointed as ARIs by the Deputy Vice-Chancellor (Research) (DVC(R)) from time to time. They are required to be familiar with this document, and with issues surrounding research misconduct, including procedural fairness. In the case of research misconduct alleged by a thesis examiner, the Chair of the Thesis Examination Committee (TEC) may act as the ARI. Where a thesis examiner has alleged plagiarism in a thesis, the Thesis Examiner may be considered a substitute for the ARI and the case should proceed to consideration by the Dean of Research (as per section 7 of this Policy).
2. The ARI role is to guide staff and students in relation to proper conduct of research, what constitutes research misconduct and the process for making of an allegation of research misconduct if such an allegation is formally made. The ARI role does not extend to investigation or assessment of the allegation. The ARI must not make contact with the person who is the subject of the allegation, and he/she must not be involved in any subsequent inquiry. An ARI should not be involved in a case if he or she has a relevant conflict of interest.

### Making an Allegation

3. A person wishing to allege research misconduct should in the first instance contact an ARI and seek confidential advice about what might constitute research misconduct, the rights and



responsibilities of a potential complainant, and the procedures for dealing with allegations of research misconduct within UOW.

4. The role of the ARI is limited to providing confidential advice regarding research misconduct and identifying the options available to the person considering or making an allegation. The options for the person making the allegation include:
  - a. discussing the matter directly with the person against whom the allegation is being made;
  - b. not proceeding or withdrawing the allegation if discussion resolves concern;
  - c. referring the allegation to a person in a supervisory capacity for resolution at Unit or Faculty level;
  - d. making a (formal) allegation of research misconduct in writing to the Research Student Centre (RSC)
5. The ARI's role does not extend to investigation or assessment of the allegation. The ARI must not make contact with the person who is the subject of the allegation, and must not be involved in any subsequent inquiry.
6. It should be recognised that researchers may sometimes make inappropriate allegations of research misconduct as a result of frustration based on poor communication, misunderstanding or, at worst, harassment, rather than actual research misconduct.
7. Where it is determined that there is no substance to the allegation/ suspicion, no further action will be taken. In this case a file note will be retained by the ARI and the complainant will be notified of the decision.

## **7 Establishment of a Case to Answer**

1. If, after discussions with ARI, a person believes a case of research misconduct may exist, they must in the first instance refer the allegation of research misconduct, as defined in this Policy, to the Director of the Research Student Centre (RSC) who will advise the Dean of Research.
2. If the Dean of Research believes there is a legitimate case of the alleged research misconduct, the Dean of Research will determine the seriousness of the research misconduct as follows:
  - a. If the Dean of Research determines that the matter may involve a Breach (as defined in section 2), he/she will deal with the matter as provided in section 8.5 below.
  - b. If the Dean of Research determines that Serious Research Misconduct may have occurred, he/she will deal with the matter as provided in section 8.9 below.
3. The Dean of Research may, at any time, seek further advice from the DVC(R) if necessary to make a determination.

## **8 Responding to Allegations of Research Misconduct**

1. In addressing the process for responding to allegations, it is useful to distinguish between minor issues (hereafter referred to as a Breach) that can be resolved within the Faculty and more serious matters (referred to as Serious Research Misconduct) that require external and independent involvement, and which may be expected to lead to disciplinary action in accordance with employment conditions.
2. Ignorance, poor judgement or inexperience may lead some researchers to breach inadvertently the provisions of this Policy. The matter can be dealt with at Faculty level provided the alleged breach does not constitute Serious Research Misconduct, the researcher acknowledges the Breach, the consequences of the Breach are remedied and appropriate



steps are taken to prevent recurrence. Their repetition or continuation may, however, lead to more serious consequences and may constitute Serious Research Misconduct.

3. The boundary between a Breach and Serious Research Misconduct is not instantly recognisable and those determining a case should consider the following:
  - a. The penalties that might apply if an allegation is true;
  - b. The steps needed to ensure procedural fairness to all concerned;
  - c. The extent to which there are consequences outside UOW; and
  - d. The effect on the standing of UOW and its research in the eyes of the public.
4. Allegations of Serious Research Misconduct must be referred to the DVC(R).

### **Breaches**

5. If the Dean of Research considers an allegation of research misconduct may amount to a Breach, the Dean of Research will:
  - a. Investigate or cause the matter to be investigated; and
  - b. Determine whether the research misconduct constitutes a Breach; and
  - c. If not satisfied the matter amounts to a Breach, dismiss the matter; or
  - d. If satisfied the matter amounts to a Breach, determine the action to be taken in response and refer the matter to the relevant Faculty Dean for implementation of that action. Possible actions the Dean of Research may impose include counselling, provision of advice or rectification of the Breach and re-submission of the work.
6. Repetition or continuation of a Breach may lead to more serious consequences and may constitute serious research misconduct, requiring further action by the DVC(R).
7. The principles of natural justice will be observed in any investigation of a possible Breach. Written records must be retained and all parties, including the complainant, will be notified of the final outcome.
8. The Faculty Dean will advise the Dean of Research once the remedial action has taken place and the Breach has been rectified.

### **Serious Research Misconduct**

9. If the Dean of Research considers that Serious Research Misconduct may have occurred, the Dean of Research must refer the matter in writing to the DVC(R). The DVC(R) will investigate the matter and advise the Vice-Chancellor ("VC"), or their delegated officer, whether a prima facie case exists, and how to proceed. Options include:
  - a. Dismissing the allegations;
  - b. Instructing the Faculty on how to deal with the allegations;
  - c. Dealing with the complainant under provisions unrelated to research misconduct;
  - d. Investigating the matter further through inquiry.
10. Upon receiving this advice, the VC, or their delegated officer, must decide whether to accept the advice and how to proceed.
11. If the VC, or their delegated officer, does not proceed to further inquiry he/she must notify in writing those making the allegation, the person who is the subject of the allegation and the DVC(R).
12. If the VC, or their delegated officer, does proceed to further inquiry he/she must notify in writing those making the allegation, the person who is the subject of the allegation and the VC



and any other parties required under any agreement such as funding bodies and collaborating institutions.

13. To ensure procedural fairness, the allegation of research misconduct must be stated clearly in writing, the person facing the allegations has a right to be heard, they should be able to hear and respond to any and all material to be used by any inquiry committee or tribunal in its decision-making process. The members of the inquiry committee (or tribunal) must be free from bias or preconception and must conduct themselves in a manner that demonstrates this.

## 9 Inquiries and Tribunals

1. If the VC, or their delegated officer, decides that further inquiry is needed, he or she must decide whether to use internal or external members. If the potential consequences are likely to be serious, could undermine public confidence in research and/or the penalty for a proven allegation includes termination of employment, an inquiry with external members must be used. An internal institutional inquiry will normally be used in all other circumstances.

### Internal Institutional Inquiry

2. The VC or their delegated officer, will set up an Inquiry Committee that will normally consist of a minimum of three (3) members who are senior academic staff members (preferably level D or above, where possible), and may include one senior academic who is external to UOW. Where possible, the Committee shall have representation of both genders. At least one member must have knowledge and experience in the relevant field of research and one member must be familiar with the responsible conduct of research. At least one member must have experience on similar panels or have other relevant experience or expertise. All members must be free from bias or conflicts of interest. The Chair will be from a Faculty other than that of the Faculty where the matter has arisen. The Committee will keep all matters confidential. All records of meetings of the Committee will be kept confidential within the Research Student Centre. The Committee may seek any documentary evidence or expertise it considers may assist the investigation.
3. The rights of all stakeholders must be protected during the investigation by maintaining confidentiality and ensuring procedural fairness.
4. The inquiry will report to the VC, or their delegated officer, in writing its findings in fact and what, if any, research misconduct has occurred. Where adverse findings have been made, the VC will decide what disciplinary actions are required within the University's agreed disciplinary processes (see Section 11 below).

### Independent Inquiry by External People

5. The VC, or their delegated officer, will set up a tribunal which will normally be constituted with a minimum membership of three (3) members external to UOW. At least one member should be legally qualified or have extensive experience as a member of a tribunal or similar body. At least one member should have knowledge and research experience in a relevant, related field of research, but not directly with the research area of the allegations. No member may be employed by UOW, or have current or recent dealings with UOW, or otherwise be subject to a reasonable perception of bias. Where possible the Committee shall have representation of both genders.
6. The person subject to the inquiry has a right to be able to hear and respond to any and all materials to be used by the panel in its decision making process. Procedures must be consistent with the principles of natural justice and due process.
7. All parties have the right to be assisted by legal counsel.
8. The tribunal will determine if the inquiry is to be a public or private hearing, based on the public interest. The tribunal has the responsibility of hearing the views of all parties before this decision is made.



9. The inquiry will report back to the VC, or their delegated officer, who must inform the University Council and the Chancellor of the outcome. The findings of the tribunal must be considered by the VC and appropriate actions must be taken, including when the allegations are shown to be unfounded. The findings of an independent inquiry shall be made available to the public.

## 10 Disciplinary Processes

1. Where adverse findings have been made, the VC, or their delegated officer, will decide what disciplinary actions are required within UOW's agreed disciplinary processes as follows:
  - a. A case against a staff member will be referred to the Director, Human Resources for action under the misconduct provisions of the University of Wollongong Academic Enterprise Agreement.
  - b. A case against a former staff member, former student, a visiting student, volunteer or fellow will be referred to the University's Legal Counsel for consideration of legal ramifications and to implement procedures.
  - c. A case against an HDR student will be referred by the VC to the DVC(R) for action. Possible outcomes that the VC may impose include:
    - i. rectification of Breach and resubmission of research work
    - ii. reprimand by the Vice-Chancellor
    - iii. probation
    - iv. suspension or termination of research scholarship
    - v. suspension/Exclusion from UOW for a set period
    - vi. permanent expulsion from UOW
    - vii. rescission of degree by the University Council
2. The VC, or their delegated officer, must inform all relevant parties of the findings of the tribunal and the actions taken by UOW. The VC will also be responsible for correcting any public record of the research.
3. The person subject to the independent inquiry has the right to appeal to a higher authority, most usually the courts.
4. Persons who made the allegations must be treated fairly.

## 11 Roles & Responsibilities

1. UOW has a responsibility to:
  - a. ensure that this Policy is accessible and communicated to all staff members and students;
  - b. ensure that this Policy are implemented and applied consistently across all UOW faculties, units and campuses;
  - c. promote best practice in managing research misconduct; and
  - d. ensure that the process for managing research misconduct allows for:
    - e. timeliness of response;
    - f. fairness of consideration;
    - g. respect for privacy; and
    - h. keeping all parties informed of their rights and responsibilities in relation to alleged research misconduct.



2. Researchers have a responsibility to:
  - a. conduct themselves in accordance with this Policy and the Code of Practice – Research, and all other UOW rules, codes, policies, and procedures; and
  - b. identify and report suspected research misconduct
  - c. be aware of ‘whistleblower’ legislation (as applicable) in situations where the person bringing the allegation is alleging research misconduct via the media or another authority outside UOW (e.g. NSW Protected Disclosures Act 1994).
3. All persons involved in investigations of alleged research misconduct have a responsibility to conduct themselves in accordance with this Policy.

## 12 Appeals and Reviews

1. Any person against whom an adverse finding is made, or upon whom a sanction is imposed for a Breach or for Serious Research Misconduct, may appeal the finding or sanction on the grounds of:
  - a. Procedural irregularity, or
  - b. New and substantial evidence not previously available.
2. Students wishing to appeal a finding or sanction under this policy may appeal to the University Council Committee of Appeal.
3. Staff members wishing to appeal a finding or sanction under this policy may appeal under the framework set out in the relevant University of Wollongong Enterprise Agreements.
4. Any person subject to an independent inquiry has the right to appeal to a higher authority, most usually the courts.

## 13 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	12 October 2007	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	TBA	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 PVCR 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
---	----------------	---------------------------------	---