# RESEARCH MISCONDUCT AND COMPLAINTS MANAGEMENT POLICY

<table>
<thead>
<tr>
<th>Date first approved:</th>
<th>Date of effect:</th>
<th>Date last amended:</th>
<th>Date of Next Review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 October 2007</td>
<td>12 October 2007</td>
<td>(refer to Version Control Table) 18 August 2017</td>
<td>18 August 2022</td>
</tr>
</tbody>
</table>

**First Approved by:** University Council

**Custodian title & e-mail address:** Deputy Vice-Chancellor (Research and Innovation)  
[Judy_Raper@uow.edu.au](mailto:Judy_Raper@uow.edu.au)

**Author:** Director, Research Services Office

**Responsible Division & Unit:**  
Research Services Office  
Research and Innovation Division (RaID)

**Supporting documents, procedures & forms:**  
- Academic Integrity Policy  
- Code of Practice – Research  
- Conflict of Interest Policy  
- Higher Degree Research (HDR) Student Academic Complaints Policy  
- Public Interest Disclosure Website  
- Records Management Policy  
- Research Complaints Management Procedures  
- Research Data Management Policy  
- Research Misconduct and Complaints Management Procedure  
- Student Conduct Rules  
- Workplace Health and Safety Policy

**Relevant Legislation & External Documents:**  
- The Australian Code for Responsible Conduct of Research (2007)  
- General Retention and Disposal Authority GDA-23  
- Research Integrity and Research Misconduct Policy 2016  
- Public Interest Disclosures Act 1994 No 92  
- State Records Act 1998

**Audience:** Public

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1 Purpose

1. This policy:
   a. Outlines the principles for handling any concerns, complaints or allegations about the conduct or practice of research at the University of Wollongong (“the University”).
   b. Adheres to the guidelines provided by the National Health and Medical Research Council (NHMRC) and Australian Research Council (ARC).

2 Definitions

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition (with examples if required)</th>
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<tbody>
<tr>
<td>Breach</td>
<td>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.*</td>
</tr>
<tr>
<td>Processes</td>
<td>Includes reference to policies, procedures, guidelines and standards.*</td>
</tr>
<tr>
<td>Research</td>
<td>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.</td>
</tr>
<tr>
<td>Researcher</td>
<td>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.</td>
</tr>
<tr>
<td>Research Integrity Adviser (RIA)</td>
<td>Person appointed to provide advice on research integrity to researchers and students in accordance with 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.</td>
</tr>
<tr>
<td>Staff Member</td>
<td>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.</td>
</tr>
<tr>
<td>The Code</td>
<td>National Health and Medical Research Council Australian Code for the Responsible Conduct of Research (active revision).</td>
</tr>
<tr>
<td>The University</td>
<td>University of Wollongong.</td>
</tr>
<tr>
<td>Visiting Fellow</td>
<td>Honorary and visiting fellows appointed by UOW to non-salaried, full-time or fractional positions titled “Associate Fellow”, “Fellow”, “Senior Fellow”,</td>
</tr>
</tbody>
</table>
3 Application & Scope

1. This policy applies to all Researchers and should be read in conjunction with other University Policies and Procedures including the Code of Practice – Research, Research Complaints Management Procedures, relevant legislation and external documents.

2. 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 any concern or complaint.

3. This policy does not apply to concerns or complaints pertaining to academic misconduct by a Researcher or a student which is wholly, or substantially unconnected with the conduct of Research. Matters identified as Academic Misconduct will be dealt with under 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, as defined in the code, apply to all stages of investigating and managing concerns or complaints about the conduct and practice of research at the University and/or breaches of the Code. These principles incorporate the following three (3) rules:
   a. A right to be heard (the Hearing Rule);
   b. The rule against bias;
   c. The Evidence rule that decisions are based on fact obtained via robust investigation practices.

2. In investigating and managing a concern or complaint in regard to a potential breach of the Code, the University must ensure the processes followed are:
   a. Proportional to the extent of the potential breach;
   b. Fair and equitable to all parties in accordance with 4.1 (complainants and respondents);
   c. Impartial, with all conflicts of interest disclosed and managed in accordance with the UOW Conflict of Interest Policy;
d. Timely, avoiding any undue delays and mitigate any damaging effects on those involved;

e. Transparent, with clear, documented, processes available to all parties and maintenance of accurate records throughout the process;

f. Confidential and not shared unless required.

5 Research Misconduct

1. Behaviour by a researcher(s) that fails to meet from the principles and responsibilities of the Code and failure to comply with relevant policies or legislation are referred to as breaches and may constitute research misconduct.

2. To be deemed research misconduct a breach must be proven to be:
   a. Intentional or deliberate;
   b. Reckless;
   c. Negligent; and/or
   d. Repetitive over a period of time (either by act or omission).

3. Breaches occur on a spectrum from minor to major. Minor breaches may include administrative or clerical errors or careless oversight. Major breaches are more serious research misconduct practices such as falsification or plagiarism.

4. Examples of breaches that may constitute Research Misconduct include (but are not limited to):
   a. Not meeting required research standards e.g. conducting research without the necessary ethics approval, licences and/or permits or misappropriation of research funds;
   b. Fabrication, Falsification, Plagiarism e.g. misrepresentation of research data and/or source material, direct copying of textual material, using other people’s data and/or ideas without acknowledgement, self-plagiarism, contract cheating, misrepresentation to obtain funding, concealment or facilitation of breaches by others;
   c. Incomplete Record Keeping e.g. inappropriate destruction of research records, data and/or source material, failure to maintain records;
   d. Inadequate Supervision e.g. failure to provide adequate mentorship or guidance for researchers or research trainees;
   e. Inappropriate Authorship e.g. failure to fairly acknowledge the contributions of others or the misleading ascription of authorship to those that do not satisfy the criteria;
   f. Inappropriate Use of Data e.g. failure to appropriately access, retain, store, distribute and dispose of any research data;
   g. Conflicts of Interest failure to disclose and/or manage conflicts of interest;
   h. Wilful concealment or facilitation of research misconduct by others.
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. Provide training to Researchers and Research Integrity Advisers on integrity matters, ethics requirements and associated activities;
   d. Promote best practice in managing research misconduct, concerns or complaints pertaining to the Code and this policy;
   e. Have a robust, equitable and fair process for investigating concerns, complaints or allegations of breaches of the Code and this policy;
   f. 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;
   g. Undertake a regular review of the effectiveness of this policy and associated processes.

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;
   d. Report any concerns or suspected breaches of the Code in accordance with the Research Misconduct and Complaints Management Policy.

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) senior staff member 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 (as defined in the Research Complaints and Misconduct Procedure);
   b. Manage complaints or allegations of research misconduct in accordance with the Research Misconduct and Complaints Management Procedure; 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 Misconduct and Complaints Management Procedure.
## 7 Version Control and Change History

<table>
<thead>
<tr>
<th>Version Control</th>
<th>Date Effective</th>
<th>Approved By</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>12 October 2007</td>
<td>University Council</td>
<td>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.</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>DVCR</td>
<td>Minor Amendments to amend inconsistencies - No change to policy intent or procedures -</td>
</tr>
<tr>
<td>3</td>
<td>6 May 2009</td>
<td>Vice Principal (Administration)</td>
<td>Migrated to UOW Policy Template as per Policy Directory Refresh</td>
</tr>
<tr>
<td>5</td>
<td>5 February 2010</td>
<td>University Council</td>
<td>References to Council Committee of Appeal (Student Matters) amended to Council Committee of Appeal as per University Council resolution 2010/03</td>
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<tr>
<td>6</td>
<td>26 August 2010</td>
<td>Vice Principal (Administration)</td>
<td>Updated to reflect divisional name change from Personnel Services to Human Resources Division</td>
</tr>
<tr>
<td>7</td>
<td>17 August 2012</td>
<td>University Council</td>
<td>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</td>
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<tr>
<td>8</td>
<td>11 September 2013</td>
<td>Chief Administrative Officer</td>
<td>Updated to reflect title change from VP(A) to CAO</td>
</tr>
<tr>
<td>9</td>
<td>Autumn Session 2015</td>
<td>University Council</td>
<td>Updated to reflect title change from DVC(R) to DVC (R&amp;I) as well as the renaming of the Student Research Centre (SRC) to the Graduate Research School (GRS)</td>
</tr>
<tr>
<td>10</td>
<td>18 August</td>
<td>University Council</td>
<td>Policy has been extracted and updated to reflect the</td>
</tr>
<tr>
<td>18 August 2017</td>
<td>University Council</td>
<td>Policy has been extracted and updated to reflect the <em>NHMRC Australian Code for the Responsible Conduct of Research</em> 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.</td>
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