1.1 Objective

a) To establish the process for receiving and managing allegations of Research Misconduct, Serious Research Misconduct and complaints alleging breaches of the Australian Code for the Responsible Conduct of Research (the Code).
b) Establish the process for investigating complaints alleging Research Misconduct/Serious Research Misconduct.

1.2 Scope

This procedure applies when the University receives a complaint/allegations(s) in writing alleging a Breach of the Code or an incident which may constitute Research Misconduct/Serious Research Misconduct against any person involved in the conduct of research associated with the University. In this regard, the University adopts the Code's definition of research as 'original investigation undertaken to gain knowledge, understanding and insight'.

A written complaint/allegation(s) or any part of it (Complaint) will be dealt with in accordance with this procedure if it involves:

a) an alleged Breach of the Code; or
b) an allegation of Research Misconduct or Serious Research Misconduct.

An anonymous complaint is not required to be dealt with under this procedure.

1.3 General Information

This document provides some general guidelines about the procedures to be followed when Complaints of Research Misconduct, Serious Research Misconduct or a Breach of the Code are made. Depending on the particular circumstances, some aspects may not be relevant to a particular investigation. Therefore, the University may deviate from this procedure if the University determines in its absolute discretion that it is necessary to do so because of the particular circumstances of any allegations.

The University may vary or replace this procedure at any time at its absolute discretion. The terms of this Procedure are not intended to be contractual in nature and do not form part of any employee’s contract of employment.

Complaints alleging a Breach of the Code, Research Misconduct or Serious Research Misconduct require very careful handling. The University will use its reasonable endeavours to consider the interests of all persons whom the University determines to be interested parties in the particular circumstances, including persons making the Complaint in good faith and persons accused of misconduct. Interested parties may include:
The University will use its reasonable endeavours to deal with Complaints under this procedure in accordance with this procedure as expeditiously as possible in the circumstances.

The University will keep any investigation into a Complaint under this procedure and the Complaint confidential to the extent possible, in the context of its investigations. However, the University may need to disclose the investigation and the Complaint to relevant witnesses and third parties such as experts as determined by the University in its absolute discretion.

**Designated Person**

The University will appoint a Designated Person to manage the initial assessment of all written Complaints of Research Misconduct and Serious Research Misconduct. This will normally be the Pro Vice-Chancellor Research Operations, or nominee. With the exception of external Complaints addressed to the Vice-Chancellor, all other Complaints of Research Misconduct and Serious Research Misconduct will go to the Designated Person. Complaints made to the Vice-Chancellor will be forwarded to the Designated Person for action.

**Research Integrity Advisors**

Research Integrity Advisors are available to provide confidential advice to staff and students about what constitutes research misconduct/serious misconduct, the rights and responsibilities of a potential complainant, and the procedures for dealing with allegations of research misconduct within the University. A list of Research Integrity Advisors is available at [http://www.adelaide.edu.au/research/integrity/advisors/](http://www.adelaide.edu.au/research/integrity/advisors/).

**Delegate of the Vice Chancellor**

The University will appoint a Delegate of the Vice Chancellor and President to oversee and carry out, where appropriate, the functions of the CEO under the Code, in accordance with this procedure. In this document, this person will be referred to as the Delegate of the Vice Chancellor and will normally be the Deputy Vice-Chancellor (Research) (DVC(R)) unless another person is nominated by the Vice-Chancellor and President.

### 1.4 Process

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| 1.4.1 | **Notification of Complaint** |

All internal Complaints made in writing regarding any Breach of the Code and/or Research Misconduct or Serious Research Misconduct are to be referred to the Designated Person for an initial assessment. Complaints/allegations from external parties must be directed to the
1.4.2 Initial Assessment of Complaint

The Designated Person will determine if:
- the Complaint involves any allegation of Research Misconduct, Serious Research Misconduct or a Breach of the Code which are required to be dealt with in accordance with this Procedure; and
- if so, whether the initial assessment should be conducted at Faculty level and if possible by the Executive Dean (or equivalent), or at the level of Central administration, for any reason as determined by the Designated Person, in his/her absolute discretion.

The Designated Person will also determine whether the Complaint relates to ethics misconduct, in which case it will be referred to the relevant University Ethics Committees.

Where the initial assessment is conducted centrally, the Designated Person will make an initial assessment of the Complaint by conducting any preliminary inquiries which the Designated Person considers appropriate at the Designated Person’s absolute discretion, including by securing any relevant evidence including experimental material, IT records, other documents, names of witnesses, as necessary. As part of such inquiries, the Designated Person must determine whether the allegations in the Complaint are denied or admitted by the person against whom they are made.

Where the initial assessment is conducted at Faculty level, the relevant Executive Dean or delegate will make an initial assessment of the Complaint and report their assessment of whether the Complaint can be resolved at the Faculty level or requires further investigation to the Designated Person.

If the Executive Dean or delegate determines that the Complaint cannot be resolved at the Faculty level or requires further investigation the Executive Dean or delegate must report that determination to the Designated Person and the Designated Person must make a further assessment of the complaint and determine what action is to be taken.

If the Executive Dean or delegate determines that the Complaint either:
- does not involve a Breach of the Code, Research Misconduct or Serious Misconduct; or
- the Complaint is resolved at the Faculty Level by taking any action which the Executive Dean (or equivalent) determines is appropriate in his or her absolute discretion such as training and advice to the staff member, no further action is required to be taken in relation to the Complaint.

Following the initial assessment, the Designated Person will advise the Delegate of the Vice Chancellor of the results of the initial
assessment of any unresolved Complaint and advise the Delegate of the Vice Chancellor to proceed with the Complaint/allegation(s) in one of the following ways as the Designated Person considers appropriate in his/her absolute discretion:

- Dismissing the Complaint or any part of it in which case no further action will be taken regarding the Complaint or the part(s) of the Complaints that are dismissed;
- Determining that the Complaint or part of it is justified and a prima facie case exists for a Breach of the Code, but not an instance of Research Misconduct.
- Determining that the Complaint or any part of it is justified and a prima facie case exists for Research Misconduct or Serious Research Misconduct to be dealt with in accordance with 1.4.3 of this procedure.

After receiving the Designated Person’s advice, the Delegate of the Vice Chancellor will decide, in his/her absolute discretion, whether to accept the advice and how to proceed. The Delegate of the Vice Chancellor must inform the person(s) making the Complaint, the person who is the subject of the Complaint and the Designated Person of how he/she intends to proceed with the Complaint.

If the allegations in the Complaint are admitted, the Complaint may be resolved, as determined by the Delegate of the Vice-Chancellor.

If the Delegate of the Vice Chancellor determines that no further action is required, the complainant, the person(s) against whom the Complaint is made and the Designated Person must be informed of the determination.

### 1.4.3 Panel Review of Complaints of Research Misconduct

If the Delegate of the Vice Chancellor determines in his/her absolute discretion, that if proven, the allegations in the Complaint could constitute:

- Research Misconduct and the allegations are contested, the Delegate of the Vice Chancellor must appoint an internal University investigation panel;
- Serious Research Misconduct and the allegations are contested, the Delegate of the Vice Chancellor must appoint an external investigation panel.

The Delegate of the Vice Chancellor will advise those making the Complaint, the person(s) who are the subject of the Complaint, the DVC(R) and any other relevant parties required under any agreement with the University, of the Delegate of the Vice Chancellor’s decision to proceed to a panel inquiry.

**Independent Internal Panel**

The internal investigation panel will comprise a small number of senior researchers, as determined by the Delegate of the Vice Chancellor at his or her absolute discretion and must include the Dean of Graduate...
Studies (or nominee) if a research student is involved in the complaint. The Delegate of the Vice Chancellor may seek expert advice from outside the University if the Delegate of the Vice Chancellor determines it is necessary or appropriate to do so. Parties are not permitted to be legally represented in any internal investigation panel inquiry.

If the Delegate of the Vice Chancellor makes a decision to appoint an internal investigation panel and later discovers the Complaint or any part of it may amount to Serious Research Misconduct, the Delegate of the Vice Chancellor may disband the internal investigation panel inquiry and make new arrangements for an independent external panel inquiry to investigate the Complaint.

If an internal investigation panel determines that a Serious Research Misconduct has occurred, the Delegate of the Vice Chancellor must refer the allegations to an external investigation panel as constituted in accordance with the Code.

Independent External Panel

Where the Delegate of the Vice Chancellor decides a Complaint could constitute Serious Research Misconduct and any of the allegations in the Complaint are contested by the person against whom the allegations are made, the Complaint must be investigated by an Independent External Panel. The panel must comprise all external members and be constituted in accordance with the Code.

In either event, the investigation panel will conduct inquiries in accordance with the terms of reference determined by the Delegate of the Vice Chancellor. The panel must inform the Delegate of the Vice Chancellor in writing of its findings of fact, whether it considers that Research Misconduct or Serious Research Misconduct may have occurred and the reasons for its findings.

Based on the findings of the panel, the Delegate of the Vice Chancellor will determine:

For staff members: whether the Complaint should be referred to the Staff Member’s Executive Dean (or equivalent) to be dealt with as allegations of Misconduct/Serious Misconduct in accordance with the applicable enterprise agreement or other applicable industrial instrument.

For research students: whether the Complaint should be referred for action in accordance with Rules for Student Conduct in the University.

For other parties (including Affiliates and Titleholders): whether the Complaint should be referred to the employing institution and/or funding body.

If the Delegate of the Vice Chancellor determines that the Complaint should be dismissed, the person who is the subject of the Complaint will be informed in writing. If the Complaint is dismissed the findings of the preliminary investigation shall be documented on the individual's staff file and as far as possible, in a form satisfactory to
the staff member.

If the Delegate of the Vice-Chancellor determines that the complainant has improperly made a Complaint, the Delegate of the Vice Chancellor may refer the matter to the complainant’s supervisor to determine whether any further action should be taken, including dealing with the matter as allegations of Misconduct or Serious Misconduct in accordance with any applicable enterprise agreement or other applicable industrial instrument. If the Complaint was reasonably made but the allegations are found not to be proven or not to constitute Research Misconduct or Serious Research Misconduct no further action against the complainant is required.

1.4.4 Allegations of Research Misconduct/Serious Misconduct – Staff

If a finding is made that Research Misconduct/Serious Research Misconduct may have occurred and the Delegate of the Vice Chancellor refers the matter to the staff member’s Executive Dean (or equivalent) to be dealt with in accordance with the relevant provisions of any applicable enterprise agreement or other applicable industrial instrument, the Executive Dean or equivalent must consider the findings of any panel constituted under this procedure in making a preliminary assessment under the procedures for misconduct/serious misconduct.

The Delegate of the Vice Chancellor must advise, in confidence, the funding agency supporting the research of the alleged staff member that a formal investigation of the Complaint will be undertaken under the relevant industrial instrument and request that the agency does not terminate its support until the outcome of a formal investigation is known.

1.4.5 Report of Findings

The Delegate of the Vice Chancellor will report all adverse findings of Research Misconduct/Serious Research Misconduct and actions taken by the University in response to them to the relevant funding agencies, journals, collaborating institutions, researchers, professional registration bodies, the general public and other relevant parties as determined by the Delegate of the Vice Chancellor at his or her absolute discretion. The Delegate of the Vice Chancellor must report any non-adverse findings to such entities and persons if the Delegate to the Vice Chancellor determines that it is necessary to do so.

1.5 Definitions

Breach of the Code

A Breach of the Code involves actions or omissions that constitute breaches of the Australian Code for the Responsible Conduct of Research, but lack the seriousness of consequence or wilfulness to constitute research misconduct. However, repeated or continuing breaches of the Code may constitute Research Misconduct.
Research Misconduct

1. "Research Misconduct" means fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting the results of research, failure to declare or manage a serious conflict of interest, and avoidable failure to follow research proposals as approved by a research ethics committee, particularly where this failure may result in unreasonable risk or harm to humans, animals or the environment. It also includes the wilful concealment or facilitation or research misconduct by others.

A Complaint or allegation relates to research misconduct if it involves both intent and deliberation, recklessness or gross and persistent negligence; and serious consequences, such as false information on the public record, or adverse affects on research participants, animals or the environment.

2. Examples of Research Misconduct include, but are not limited to, the following:

   a) Fabrication of data: A researcher shall not claim data where none has been obtained.

   b) Falsification of data: A researcher shall not falsify data, including changing records.

   c) Misrepresentation: A researcher or reviewer shall not with intent to deceive, or in reckless disregard for the truth.
      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 significant falsehood.

   d) Misappropriation: A researcher or reviewer shall not intentionally or recklessly
      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; plagiarism includes reproducing by copying, paraphrasing or summarising, without acknowledgement and with the intention to deceive, any work of another person as a researcher's or reviewer's own work, with or without the knowledge or consent of that other person;
      ii. make use of any information in breach of any duty of confidentiality associated with the review of any manuscript or grant application;
      iii. intentionally omit reference to the relevant published work of others for the purpose of inferring personal discovery of new information.

   e) Misleading ascription of authorship: A researcher or reviewer shall not intentionally or recklessly ascribe authorship misleadingly, including the listing of authors without their permission, attributing work to others who have not in fact contributed to the research, and failing to acknowledge appropriately work primarily produced by a research student/trainee or associate. Authors have moral rights, which are now law, and any breaches of moral rights can be subject to legal action.

   f) Interference: A researcher or reviewer shall not intentionally and without authorization 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.

   g) Other practices that significantly deviate from those commonly accepted within the research community for proposing, conducting or reporting research.
Procedure for managing complaints of research misconduct

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h) Intentional infringements of the University's policies governing research practice.

i) Obstruction of investigations of research misconduct: A researcher shall not intentionally withhold or destroy evidence in violation of a duty to disclose or preserve; falsifying evidence; encouraging, soliciting or giving false testimony; and attempting to intimidate or retaliate against witnesses, potential witnesses, or potential leads to witnesses or evidence before, during, or after the commencement of any formal or informal proceeding.

3. The list above is not meant to be all-inclusive. There may be other forms of research misconduct, e.g. departures from approved protocols accepted by a specific discipline or from protocols for research involving humans, animals or gene technology.

4. Research Misconduct does not include honest errors that are minor or unintentional or honest differences in judgment/management of the research project data. Free scientific inquiry naturally includes proposing hypotheses that may ultimately prove false, offering interpretations of data that conflict with other interpretations, and making observations and analyses that may prove to be in error.

Serious Research Misconduct

Serious Research Misconduct means conduct that is alleged to be Research Misconduct, but where the consequences of the alleged action result in serious harm to the University, or other staff, students or visitors, and the conduct is characterised by a reckless and wilful disregard for the consequences of the alleged conduct.