

MISCONDUCT AND SERIOUS MISCONDUCT

Clause 8.2 of the University of Adelaide Enterprise Agreement 2017-2021 simplifies the misconduct process to reduce delay, adds a contemporary reference to the Australian Code for the Responsible Conduct of Research and clarifies how matters of serious research misconduct integrate into the disciplinary process. This information sheet provides a summary of the changes.

Disciplinary Procedures for Misconduct and Serious Misconduct (Clause 8.2)

Key points:

- The clause references clause 2.6 Academic Freedom to reinforce the University's commitment to this important principle.
- Area Managers have an option to resolve misconduct (not serious misconduct) without a formal process.
- There is a clear pathway for Research Misconduct to be referred under the Enterprise Agreement as a recommendation to terminate employment.
- Reordering the clause clarifies the suspension process and makes it clear that a staff member may be suspended at any stage in the process.
- Animals have been included in clause 8.2.4.1 b) where a staff member may be suspended '*if the alleged Misconduct/Serious Misconduct is of a nature that causes imminent and serious risk..*' to cover risk of misconduct to them which is particularly relevant to the Vet School.
- Shortened timeframes to reduce delay.
- Simpler and more contemporary review process by an internal reviewer which is confined to decisions recommending termination (clause 8.3).

Misconduct

This clause gives the Area Manager an option to resolve misconduct (not serious misconduct) without the formal process, through guidance, counselling, a requirement to undertake development activities, a written warning, mediation or another form of dispute resolution (clause 8.2.5.2).

Shortened timeframes:

- In cases of a formal process, a staff member will have 10 working days from the date of receipt of the Area Manager's written notification of the allegations in which to respond.

- A staff member has 5 days to respond to the other steps in the process once the misconduct allegations are raised.

Research Misconduct

The clause refers to serious research misconduct as a major or serious contravention of the [Australian Code for the Responsible Conduct of Research](#) (the Code).

In this clause, there is a clear pathway for research misconduct to be referred under the Enterprise Agreement where a staff member has breached the Code such that it warrants termination of employment