

Research Misconduct Vice-Chancellor's Directive

Abstract

This Directive provides a framework for handling allegations of research misconduct.

Dates	Directive approved 03/06/2015 Directive takes effect 26/06/2015 Directive is due for review (up to five years) 06/2020
Approved by	Vice-Chancellor
Implementation Officer	Deputy Vice-Chancellor (Research)
Relevant to	Researchers at UTS (see section 3 for definition)
Related documents	<p>Australian Code for the Responsible Conduct of Research (the Code)</p> <p>ARC Research Integrity and Research Misconduct Policy</p> <p>UTS documents</p> <p>Academic Standards: Research</p> <p>Authorship Vice-Chancellor's Directive</p> <p>Biosafety in Research Vice-Chancellor's Directive</p> <p>Code of Conduct</p> <p>Conflict of Interest Disclosure Statement (PDF) (staff only)</p> <p>Ethical Conduct of Research Involving Animals Vice-Chancellor's Directive</p> <p>Ethical Conduct of Research Involving Human Participants Vice-Chancellor's Directive</p> <p>Fraud and Corruption Prevention and Public Interest Disclosures Policy and Guidelines</p> <p>Gifts and Benefits Vice-Chancellor's Directive</p> <p>Handling Staff Grievances Vice-Chancellor's Directive</p> <p>Handling Staff Grievances — Supervisor's Guidelines (HR Manual 6.13)</p> <p>Intellectual Property Policy</p> <p>Outside Work Vice-Chancellor's Directive</p> <p>Prevention of Harassment Policy</p> <p>Privacy Vice-Chancellor's Directive</p>

	<p>Research Data Management Vice-Chancellor's Directive</p> <p>Research-Generated Intellectual Property and Commercialisation Vice-Chancellor's Directive</p> <p>Responsible Conduct of Research Policy</p> <p>Staff agreements:</p> <ul style="list-style-type: none"> • Academic Staff Agreement • Professional Staff Agreement <p>University Consulting Vice-Chancellor's Directive</p> <p>UTS Values</p> <p>Workplace Behaviour Statement (HR Manual 7.4)</p>
Legislation	<p>Copyright Act 1968 (Cwlth)</p> <p>Human research</p> <p>Australian Privacy Principles</p> <p>Children and Young Persons (Care and Protection) Act 1998 (NSW)</p> <p>Government Information (Public Access) Act 2009 (NSW)</p> <p>Health Practitioner Regulation National Law Act (NSW)</p> <p>Health Privacy Principles (HPPs) guidance for agencies and organisations (ICAC, NSW) (PDF)</p> <p>Health Records and Information Privacy Act 2002 (NSW)</p> <p>Work Health and Safety Act 2011 (NSW)</p> <p>Privacy Act 1988 (Cwlth)</p> <p>Privacy and Personal Information Protection Act 1998 (NSW)</p> <p>State Records Act 1998 (NSW)</p> <p>Animal research</p> <p>Animal Research Act 1985 (NSW)</p> <p>Animal Research Regulation 2010 (NSW)</p> <p>Companion Animals Act 1998 (NSW)</p> <p>Exhibited Animals Protection Act 1986 (NSW)</p> <p>Exhibited Animals Protection Regulation 2010 (NSW)</p> <p>Non-Indigenous Animals Act 1987 (NSW)</p> <p>Non-Indigenous Animals Regulation 2012 (NSW)</p> <p>Prevention of Cruelty to Animals Act 1979 (NSW)</p> <p>Prevention of Cruelty to Animals Regulation 2012 (NSW)</p> <p>Native wildlife</p>

	National Parks and Wildlife Act 1974 (NSW) Habitat of threatened species Threatened Species Conservation Act 1995 (NSW) Biosafety Gene Technology Act 2000 (Cwlth) Gene Technology Regulations 2001 (Cwlth)
File number	UR15/255

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1. Purpose

This Directive provides a framework for handling allegations of research misconduct.

2. Scope

This Directive applies to researchers at UTS (as defined in section 3, Definitions).

The Directive does not apply to students, unless they are also staff. For guidance on research misconduct involving students, refer to [section 16, Student Rules](#).

Research in this context is understood broadly to encompass funded and unfunded research.

3. Definitions

The following definitions apply for this Directive. These are in addition to terms defined in the [Responsible Conduct of Research Policy](#).

Allegation is a claim or assertion of research misconduct.

Designated Person to Receive Formal Complaints (Designated Person): this role is fulfilled by the Deputy Vice-Chancellor (Research) and is defined in section 10 of [Australian Code for the Responsible Conduct of Research](#) (the Code).

Faculty/unit for the purpose of this Directive includes institutes and centres or any formal grouping of researchers involved in the conduct of research at UTS.

Adviser on Integrity in Research (Adviser): this role, as defined in section 10 of [the Code](#), is normally fulfilled by the Associate Dean (Research) in faculties and by

equivalent roles in the University's research institutes. Current Advisers are listed on the [Responsible research webpage](#) on the UTS website.

Independent Investigator means a person outside the faculty/unit to whom an allegation of misconduct has been raised. This person may be internal or external to UTS.

Research misconduct

The University adopts the following definitions of research misconduct outlined in Part B of [the Code](#).

A complaint or allegation relates to research misconduct if it involves all of the following:

- an alleged breach of the Code or any research-related UTS governance instruments
- intent and deliberation, recklessness or gross and persistent negligence
- serious consequences, such as false information on the public record or adverse effects on research participants, animals or the environment.

Research misconduct includes but is not limited to the following examples:

- fabrication of results
- falsification or misrepresentation of results
- plagiarism
- misleading ascription of authorship
- failure to declare and manage serious conflicts of interest
- falsification or misrepresentation to conduct research or obtain funding
- risking the safety of human participants or the wellbeing of animals or the environment
- deviations from the Code or this Directive that occur through gross or persistent negligence
- wilful concealment or facilitation of research misconduct by others
- intentionally and without authorisation taking, sequestering or materially damaging another person's or entity's research-related property
- deliberately conducting research involving human subjects without required UTS Human Research Ethics Committee approval
- conducting research involving animals without required UTS Animal Care and Ethics Committee approval
- conducting research involving interaction with biological hazards without required UTS Biosafety Committee approval.

Research misconduct does not include honest differences in judgement, and may not include honest errors that are minor or unintentional.

Researcher(s) means all staff (including visiting, honorary, adjunct and short-term contract appointments) and non-staff conducting research at UTS or under the auspices of UTS, but does not include students.

4. Directive principles

UTS has a comprehensive governance framework to outline appropriate and responsible conduct of research, and appropriate behaviour more generally. The University's [Responsible Conduct of Research Policy](#) adopts the principles outlined

in [the Code](#), to ensure that people carrying out research under the University's auspices are committed to high standards of conduct and practice, and to the maintenance of their own reputation and that of UTS.

Where these standards of conduct are not adhered to, the University must determine whether research misconduct has occurred.

5. Directive statements

5.1 Raising an allegation

Anyone who is concerned that a researcher has not acted responsibly must take action in a timely manner, in accordance with this Directive.

In the first instance, allegations of research misconduct should be made to the Adviser within the relevant faculty/unit, and if received elsewhere, must be referred to the relevant Adviser. (Note: current Advisers are listed on the [Responsible research webpage](#).)

5.2 Supporting an allegation

Allegations must be treated in confidence. Every effort will be made to maintain confidentiality both as to the identity of person(s) raising an allegation and person(s) against whom the allegation is made. All interested parties must be considered.

Interested parties may include:

- the person(s) raising the allegation
- the person(s) against whom the allegation is made
- participants in human-based research whose interests may be affected
- research students, trainees and staff working with the person(s) concerned
- journals in which allegedly fraudulent papers have been or may be about to be published
- funding bodies that have contributed to the research, and
- in some cases, the public.

Information that might identify the person raising the allegation will not be released, except for where:

- the person consents in writing to the disclosure of that information
- the person has voluntarily identified themselves (separately from raising the allegation) as the person who raised the allegation
- it is considered necessary that the identifying information be disclosed to interested parties that the allegation may concern, or
- it is necessary to disclose the information to effectively investigate the matter or disclosure is otherwise in the public interest.

5.3 Handling an allegation

5.3.1 Initial response

It is preferable, where possible, that allegations are dealt with at a faculty/unit level. In such instances, the Adviser will discuss the nature of the allegation with the person raising the allegation. The Adviser should explain the options open to the person considering, making or having made an allegation. These options include:

- referring the matter directly to the person against whom the allegation is being made

- not proceeding or withdrawing the allegation if discussion resolves the concerns
- referring the allegation to a person in a supervisory capacity for resolution at the faculty/unit level
- making an allegation of research misconduct in writing to the Designated Person.

Where an allegation appears to have some substance, the Adviser will inform the Dean/Director of the allegation in writing. The Dean/Director will inform the Designated Person of the allegation in writing.

At this stage or any subsequent appropriate stage, the Dean/Director may take any interim, reasonably necessary administrative action to protect:

- human safety
- animal welfare
- UTS property or facilities
- funds provided by external funding bodies, and/or
- material that might be relevant to any investigation.

5.3.2 Preliminary investigation

Once the Designated Person has received the allegation, a preliminary investigation will be conducted by an Independent Investigator or a committee commissioned by the Dean/Director.

The Investigator or committee must determine whether a prima facie case for research misconduct exists and how to proceed:

- In the event that no prima facie case exists, the Adviser or Dean/Director will inform the person making the allegation as to why there is no case for research misconduct.
- In the event that a prima facie case exists, the Dean/Director or Designated Person will submit a report to the Vice-Chancellor.

6. Roles and responsibilities

This section outlines the key positions responsible for managing and implementing this Directive.

Accountable Officer: Vice-Chancellor or delegate is responsible, under the University's enterprise agreements, for deciding whether or not to take disciplinary action.

Implementation Officers

Deputy Vice-Chancellor (Research) is the primary point of contact for advice on implementing and administering the directive, for establishing and maintaining the official file, for proposing amendments as required and for managing the consultation process when the directive is due for review.

Adviser on Integrity in Research (Adviser) is responsible for managing initial enquiries or informal complaints of research misconduct.

Dean/Director is responsible for commissioning preliminary investigations into allegations, providing feedback as appropriate and keeping the Designated Person apprised of allegations and progress of allegations.

Designated Person to Receive Formal Complaints (Designated Person) is responsible for receipt and management of formal complaints of research misconduct.

Advising Officer: Director, Human Resources or delegate is responsible for providing advice and support to the Vice-Chancellor and the Designated Person on the process under the University's enterprise agreements.

7. Acknowledgements

[Australian Code for the Responsible Conduct of Research](#) (the Code)

8. Version control and change history

Effective date	Version	Approved by (date)	Amendment
26/06/2015	1	Vice-Chancellor (03/06/2015)	New Directive.

Appendix A. Flow chart of procedure for handling allegations of research misconduct

