Definitions

Definition of Research Misconduct according to the Australian Code for the Responsible Conduct of Research (ACRCR)

The term breach is used for less serious deviations from this Code that are appropriately remedied within the institution. The term research misconduct is used for more serious or deliberate deviations.

Breaches of commonly accepted behavior relating to research include misappropriation (such as plagiarism, using confidential material such as contained in manuscripts or grant applications under review, or implying that others’ work is one’s own), interference with the research-related property of another, misrepresentation of research processes or findings, and serious deviations from accepted practices of the discipline regarding the proposing, conduct and reporting of research.

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

- an alleged breach of the ACRCR;
- 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.

Examples of research misconduct include fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting the results of research, and failure to declare or manage a serious conflict of interest. It includes 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 of research misconduct by others (ACRCR Section 10).

Procedures

Procedures for handling allegations of non-compliance with the Excelsia College Research Code of Practice and the ACRCR

1. If a person has serious concerns about the conduct of research, they should discuss the matter in confidence with the Advisor in Research Integrity. The Advisor in Research Integrity will explain the provisions of relevant Codes of Practice and the ACRCR, and explain options including: taking no action, discussing the matter with the researcher directly, making a complaint in writing.
2. If the person wishes to proceed with a written complaint, it is firstly lodged with the Director of Research. In deciding how to proceed the Director of Research will consider three categories of research complaint, as specified by the ACRCR:

   a. Failure to implement the Code: Failure to take responsibility for achieving the standards aspired to in Part A of the ACRCR.
   
   b. Breaches of the Code: Specific actions or omissions that constitute breaches of this Code, but lack the seriousness of consequence or wilfulness to constitute research misconduct.
   
   c. Research misconduct: Serious breaches of the Code that are sufficiently substantial to warrant formal allegation, investigation, and denial or admission. If proven, such misconduct would be expected to lead to disciplinary action by the College in accordance with its instruments of employment.

3. The Director of Research will inquire into and document minor breaches. Counselling and advice will be given as appropriate. In the case of minor breaches a full record will be kept of the complaint, the investigation, and the outcome.

4. If the complaint appears to constitute research misconduct, the Director of Research will refer the matter to the Academic Director regarding whether a prima facie case exists and how to proceed. In conducting a preliminary investigation, the Academic Director may obtain confidential advice from internal and/or external independent experts in the research area concerned, request relevant evidence from both the complainant and the person/s whom the allegation has been made against. This evidence may include experimental material, names of witnesses, IT records and other documents. Options for action by the Academic Director include:

   a. dismissing the allegations
   
   b. instructing the Director of Research on how to deal with the allegations
   
   c. dealing with the complaint under provisions unrelated to research misconduct
   
   d. investigating the matter further through a research misconduct inquiry.

5. If the option of a research misconduct inquiry is chosen the Academic Director must decide whether to hold an internal or external inquiry. If consequences for the accused, accuser, other parties and the College are deemed to be serious and/or strong steps are deemed required to maintain public confidence in research, then an inquiry by an independent, external panel will be undertaken. The panel will include at least one person with knowledge and experience of a relevant, related field of research.

6. The research misconduct inquiry will determine whether the misconduct has occurred in fact. Procedural fairness will be maintained through providing the subject of the inquiry with all information on which the panel deliberates and opportunity to respond to such information. Internal panels will not allow legal representation, but the person accused of research misconduct will be allowed a support person to be present when they are giving evidence. On the other hand, the accused person will be entitled to legal representation at an external panel hearing which will be constituted as a formal tribunal.
7. The Academic Director will determine the actions to be taken according to Excelsia College policy and will advise the Board of Directors of the outcome. If the allegations are demonstrated to be unfounded, the Academic Director will take all reasonable steps to reinstate the reputation of the researcher and associates.

8. Disciplinary action will be taken against any person making a mischievous complaint.

References Consulted

Australian Code for the Responsible Conduct of Research – ACRCR (2007), jointly issued by the National Health and Medical Research Council, the Australian Research Council and Universities Australia.


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