

Breach of Research Integrity Procedures

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1. Governing Policy

[Research Integrity Policy](#)

2. Purpose

To set out the process by which complaints about a potential breach of the [Research Integrity Policy](#) / [Australian Code for the Responsible Conduct of Research](#) (the Code) are investigated and dealt with, consistent with the [Investigation Guide](#).

3. Scope

- a. These procedures apply to any complaint that there has been, or may have been, a potential breach of the [Research Integrity Policy](#) / [Code](#) by a University researcher, namely a staff member or academic status holder or HDR student.
- b. For complaints about **staff** to whom the relevant disciplinary clauses of the Enterprise Agreement apply*, these procedures will be applied in conjunction with those clauses.

* i.e. all staff members except those under probation or employed on a casual basis

- c. For complaints about **HDR students**, these procedures operate under the authority of [Statute 6.4: Student Conduct](#) and in place of the [Procedures for Handling a Matter under Statute 6.4](#).
- d. These procedures must be read in conjunction with the [Investigation Guide](#).
- e. If the University receives a complaint about a potential breach of the [Research Integrity Policy / Code](#) where:
 - i. the research was conducted at Flinders University, BUT
 - ii. the research was conducted by a staff member, academic status holder or student who is no longer employed by, holding a title from, or enrolled at the University
 —the University will use its best endeavours to respond in accordance with these procedures to the extent reasonable in the circumstances.

4. Definitions

Complainant	Person who makes a complaint about a potential breach of the Research Integrity Policy / Code
Investigation Guide	The Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research (2018, National Health and Medical Research Council)
Research Misconduct	A serious breach of the Research Integrity Policy / Code which is also intentional, reckless or negligent
Respondent	Person against whom a complaint has been made about a potential breach of the Research Integrity Policy / Code

5. Procedures

5.1. Responsible Executive Officer and Designated Officer

- a. The Vice-Chancellor is the Responsible Executive Officer for the purposes of the [Investigation Guide](#).
- b. The Deputy Vice-Chancellor (Research) is the Designated Officer for the purposes of the [Investigation Guide](#).

5.2. Confidentiality

Complaints, and all documentation related to complaints, must be kept confidential to those persons directly involved in dealing with the complaints in accordance with these Procedures, unless wider disclosure is deemed appropriate by the Vice-Chancellor or Deputy Vice-Chancellor (Research).

5.3. Considering a complaint

- a. A person concerned about a potential breach of the [Research Integrity Policy / Code](#) may seek advice, including assistance in formulating their complaint, from the people listed below. The amount of assistance provided is at the discretion of those listed:

Complainant	Assistant
University staff member or student	Research Integrity Advisor
Member of the public	Manager, Research Integrity Office
Any complainant	Chair of the relevant committee, if the matter involves research ethics or biosafety

Assistants may refer to the [NHMRC Integrity Advisors Guidelines](#) for guidance.

b. Available options include:

- i. referring the matter directly to the person against whom the complaint is being made
- ii. not proceeding with, or withdrawing, the complaint, if discussion resolves the concerns
- iii. referring the complaint to the person's supervisor / manager (or that person's line manager, should a conflict of interest be apparent) for resolution at the local level, or
- iv. making a complaint of a potential breach of the [Research Integrity Policy / Code](#), in accordance with Procedure 5.4.

5.4. Making a complaint

- a. Any University staff member, student, examiner or member of the public, may make a complaint about a potential breach of the [Research Integrity Policy / Code](#) by a University staff member or academic status holder or HDR student.
- b. Complaints, clearly stating the nature and details of the complaint and providing any relevant facts or documentation held by the complainant, must be lodged in writing with the Deputy Vice-Chancellor (Research).
- c. Complainants are expected not to share the information in their complaint unless required by the University as part of its investigation.
- d. Anonymous complaints will be accepted and investigated, but anonymity may constrain the University in the effectiveness of its investigation.
- e. A named complainant may request anonymity during the investigation of the complaint. The University will respect such a request for anonymity, but ongoing anonymity cannot be guaranteed.

5.5. Receipt of a complaint

- a. Complaints will be acknowledged in writing as soon as possible following receipt.
- b. Commencing no later than 10 University business days after receipt of the complaint, the Deputy Vice-Chancellor (Research) will determine how to proceed as follows:
 - i. the complaint relates to a potential breach of the [Research Integrity Policy / Code](#) — refer for Preliminary Assessment under Procedure 5.6; or
 - ii. the complaint relates to another University policy — refer for investigation or action under that policy; or
 - iii. the complaint relates to research administration and is a matter that can be rectified at the local level — refer to appropriate local area for resolution; or
 - iv. the complaint provides no evidence of any activity that requires institutional follow-up — dismiss.
- c. If the Deputy Vice-Chancellor (Research) considers it appropriate, a complaint may be referred to an outside agency such as the police or a regulatory body. In such circumstances, any ongoing management of the complaint under these procedures will be determined on a case-by-case basis in conjunction with the outside agency.
- d. Communication by the Deputy Vice-Chancellor (Research) with the complainant must be appropriate to the circumstances, bearing in mind:
 - i. the need to obtain all information relevant to the complaint
 - ii. the need for the complainant to have confidence that the complaint is being considered appropriately, and
 - iii. the extent to which the complainant has a direct interest in the outcome of a complaint investigation.

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- e. At minimum, the Deputy Vice-Chancellor (Research) will notify the complainant of the decision about proceeding with the complaint, in accordance with 5.5.b. above, within 28 days of the complaint being received.
 - f. Once a complaint has been lodged with the Deputy Vice-Chancellor (Research), the complaint will be considered in accordance with this Procedure, even if the complainant subsequently chooses to withdraw the complaint.
 - g. **Suspension:** At any time during the process of dealing with a complaint, the Deputy Vice-Chancellor (Research) may:
 - i. suspend a staff member from duty (for staff to whom the relevant disciplinary clauses of the Enterprise Agreement apply*, suspension will be in accordance with those clauses)
 - ii. suspend an academic status holder from their University-related duties and privileges, or
 - iii. intermit an HDR student's candidature— if the Deputy Vice-Chancellor (Research) is of the opinion that it is in the University's interests to do so.

The suspension/intermission will remain in force until a final determination is made or such earlier time as the Deputy Vice-Chancellor (Research) determines.

5.6. Conduct of Preliminary Assessment

- a. The Deputy Vice-Chancellor (Research) will appoint an Assessment Officer with experience and expertise suitable to the nature of the complaint to conduct a Preliminary Assessment and advise the Deputy Vice-Chancellor (Research). The Deputy Vice-Chancellor (Research) may also be an Assessment Officer.
- b. Where the potential breach appears to involve action in concert between staff/academic status holders/students of Flinders University and of other entity(ies), the Deputy Vice-Chancellor (Research) may agree with the Designated Officer of the other entity(ies) to jointly appoint an Assessment Officer on mutually agreed terms. Any report from this Assessment Officer/s will be treated as a report of an Assessment Officer appointed by Flinders University's Deputy Vice-Chancellor (Research). In the case of complaints about staff to whom the relevant disciplinary clauses of the Enterprise Agreement apply*, those clauses also will be applied.
- c. The purpose of the Preliminary Assessment is to assess whether there is evidence of a potential breach of the [Research Integrity Policy / Code](#) and to recommend an outcome as per Procedure 5.7.
- d. The Preliminary Assessment will be conducted in a careful, considered and timely manner.
- e. The Assessment Officer may make such inquiries and consultations as they see fit during the Preliminary Assessment. This may include consultation with the Deputy Vice-Chancellor (Research), other University staff and students including supervisors, people external to the University, and representatives of other institutions.
- f. The Assessment Officer will prepare and retain records of the Preliminary Assessment, and secure the facts and information gathered. The Assessment Officer may, with the approval of the Deputy Vice-Chancellor (Research), engage an expert to provide specific and/or independent advice on the collection and storage of facts and information.
- g. The Assessment Officer may involve the Respondent in the Preliminary Assessment by notifying the respondent with sufficient detail for the respondent to understand the nature of the complaint. If the respondent is involved at this stage, they will be invited to clarify the facts and information in the complaint by:
 - i. responding in writing within a nominated timeframe, or

* i.e. all staff members except those under probation or employed on a casual basis

- ii. meeting with the Assessment Officer in person, accompanied by a support person at the respondent's discretion — a record of such a meeting will be prepared and a copy provided to the respondent.
- h. The Assessment Officer will prepare a written report containing the following:
 - i. a summary of the process undertaken
 - ii. an inventory of the facts and information gathered and analysed
 - iii. the Assessment Officer's evaluation of the facts and information
 - iv. how the potential breach relates to the principles and responsibilities of the [Research Integrity Policy / Code](#).
- i. The Assessment Officer will also prepare advice for the Deputy Vice-Chancellor (Research), including recommendations for further action.

5.7. Outcome of Preliminary Assessment

- a. Once the Preliminary Assessment report and advice is received, the Deputy Vice-Chancellor (Research) will determine one of the outcomes specified below:
 - i. dismiss the matter and take no further action, or
 - ii. refer the matter for resolution locally with or without corrective actions, or
 - iii. refer the matter for action under another University policy or process, or
 - iv. determine that an allegation of breach of the Research Integrity Policy / Code has arisen, and take action under Procedure 5.7.1
- b. The Deputy Vice-Chancellor (Research) may seek further information to inform their determination, including from the respondent.
- c. In respect of all complaints, the Deputy Vice-Chancellor (Research) will consider whether any systemic issues have been identified, and address or make recommendations to an appropriate senior manager to address those.

5.7.1. Allegation of breach has arisen

- a. Where the Deputy Vice-Chancellor (Research) determines that an allegation of breach of the [Research Integrity Policy / Code](#) has arisen, the Deputy Vice-Chancellor (Research) will advise the respondent in writing of the allegation, with details.
- b. The respondent will be invited to respond to the allegation, make written submissions and provide any further information and mitigating factors they consider relevant, within 10 University business days.
- c. Where the respondent is a staff member to whom the relevant disciplinary clauses of the Enterprise Agreement apply^{*}, the relevant Enterprise Agreement clauses will be applied in conjunction with Procedure 5.7.1.
- d. Upon receiving the response, the Deputy Vice-Chancellor (Research) will again consider the matter and determine one of the outcomes specified below and will advise the respondent accordingly.

i. Staff members to whom the relevant disciplinary clauses of the Enterprise Agreement apply [*]	ii. Probationary or casual staff members Academic status holders HDR students
<ul style="list-style-type: none"> • dismiss the matter and take no further action, or 	<ul style="list-style-type: none"> • dismiss the matter and take no further action, or
<ul style="list-style-type: none"> • refer the matter for resolution locally with or without corrective actions, or 	<ul style="list-style-type: none"> • refer the matter for resolution locally with or without corrective actions, or

^{*} i.e. all staff members except those under probation or employed on a casual basis

<ul style="list-style-type: none"> • refer the matter for investigation, or 	<ul style="list-style-type: none"> • refer the matter for investigation, or
<ul style="list-style-type: none"> • provide a written warning under the disciplinary provisions of the Enterprise Agreement, or 	<ul style="list-style-type: none"> • refer the matter for action under another University policy or process .
<ul style="list-style-type: none"> • recommend to the Vice-Chancellor other disciplinary action under the disciplinary provisions of the Enterprise Agreement. 	

5.7.2. ARC and NHMRC notifications

- a. Where a complaint/allegation relates to research which is funded by or otherwise connected with the Australian Research Council (ARC) or the National Health & Medical Research Council (NHMRC), the Deputy Vice-Chancellor (Research) will comply with the requirements of the [ARC Research Integrity Policy](#) or [NHMRC Research Integrity and Misconduct Policy](#) respectively throughout the process of dealing with the complaint.

5.8. Initiating an investigation

- a. The Deputy Vice-Chancellor (Research) may decide that an investigation is required:
- pursuant to Procedure 5.7.1. above, or
 - because investigation is required to identify appropriate corrective actions, whether any other persons/institutions are complicit, or any other necessary actions/outcomes.
- b. To establish an Investigation, the Deputy Vice-Chancellor (Research) will:
- prepare a clear statement of the allegation, with full details
 - draft the terms of reference for the investigation (refer to the sample checklist at Appendix 2 of the [Investigation Guide](#) for further information)
 - select a potential Investigation Panel (panel) which is appropriate and proportionate to the nature of the allegation/s
 - for staff to whom the relevant disciplinary clauses of the Enterprise Agreement apply*, the panel must comply with those clauses;
 - for probationary and casual staff, academic status holders and HDR students, the panel may comprise one or more persons
 - ensure appropriate resources are available to the panel including secretariat support to document the panel’s action items and decisions, and
 - seek advice from General Counsel, Governance, Legal and Risk, on matters of process, if required.
- c. In selecting a panel that is appropriate and proportionate, the Deputy Vice-Chancellor (Research) will consider a range of factors, including:
- the number of members required
 - the discipline expertise required
 - the level of prior experience of similar investigation panels or relevant experience required
 - the knowledge and understanding of research integrity required
 - the need for members to be free from conflicts of interest or bias
 - the need for gender balance and membership diversity.

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- d. Chair:
- i. The chair of a panel to investigate an allegation against a staff member to whom the relevant disciplinary clauses of the Enterprise Agreement apply* is appointed as required by those clauses.
 - ii. The chair of a panel (if the panel is more than one person) to investigate an allegation against a probationary or casual staff member, academic status holder or HDR student is appointed by the Deputy Vice-Chancellor (Research).
- e. Where the potential breach appears to involve action in concert between employees/students of Flinders University and of other entity(ies), the Deputy Vice-Chancellor (Research) may agree with the Designated Officer of the other entity(ies) to the conduct of a joint independent investigation (subject to the relevant disciplinary clauses of the Enterprise Agreement in respect of allegations about staff to whom those clauses apply*), and to a variation from these procedures, provided they are consistent with the [Investigation Guide](#). Any report from the joint independent investigation will be treated as a report of an Investigation Panel appointed by Flinders University.
- f. Once the potential panel has been selected, the Deputy Vice-Chancellor (Research) will advise the respondent of the panel's composition and provide an opportunity for the respondent to raise concerns. The Deputy Vice-Chancellor (Research) will take into account the concerns raised, but has the final decision on the composition of the panel.
- g. Panel members will be appointed in writing, and notified that they are expected to:
- i. follow these procedures, any additional panel procedures specified by the Chair, and any other relevant University processes
 - ii. work within the panel's terms of reference
 - iii. respect any undertakings of confidentiality
 - iv. adhere to the principles of procedural fairness as specified in Section 3 of the [Investigation Guide](#)
 - v. complete the investigation in a timely manner, and
 - vi. prepare a written report.
- h. External panel members will be appropriately indemnified.
- i. The Deputy Vice-Chancellor (Research) will provide the panel with all information and documentation relevant to the Investigation, including:
- i. the initial complaint
 - ii. all relevant information assembled by the Assessment Officer
 - iii. records of the conduct of the Preliminary Assessment
 - iv. the report and advice of the Preliminary Assessment, and
 - v. records of any communications on the matter involving the Deputy Vice-Chancellor (Research), the Assessment Officer, the complainant and the respondent.

5.9. Conduct of investigation

In conducting the investigation, the Investigation Panel must comply with all requirements of s.7.5 and the first 4 paragraphs of s.7.6 of the [Investigation Guide](#).

5.10. Outcome of investigation

- a. The Vice-Chancellor will consider the panel's report and any additional advice from the Deputy Vice-Chancellor (Research) and decide whether there has been a breach of the [Research Integrity Policy / Code](#) and the level of seriousness of such breach, including whether it constitutes Research Misconduct.

* i.e. all staff members except those under probation or employed on a casual basis

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- b. If the decision is that there has been **no breach**, the Vice-Chancellor will advise the respondent in writing and, if requested by the respondent, may publish all or part of the advice in a manner approved by the respondent.
 - c. In addition, if the decision is that there has been no breach, the Vice-Chancellor will:
 - i. if the decision is on the grounds that the allegation has no basis in fact — make efforts to restore the reputations of those affected
 - ii. if the decision is on the grounds that the allegation was made in bad faith or is vexatious — make efforts to address this with the complainant in accordance with appropriate University processes
 - iii. determine the mechanism for communication with, and support for, the respondent and complainant, whether any other consequential action is required, and whether other interested parties are to be notified.
 - d. If the decision is that there has been a **breach**, the Vice-Chancellor will take action appropriate to the nature of the breach:
 - i. in the case of a staff member to whom the relevant disciplinary clauses of the Enterprise Agreement apply* — in accordance with the Enterprise Agreement
 - ii. in the case of a probationary or casual staff member or an academic status holder — in accordance with s.5.d. of the [Research Integrity Policy](#)
 - iii. in the case of an HDR student — in accordance with s.5.e. of the [Research Integrity Policy](#).
 - e. If the decision is that there has been a breach, the Vice-Chancellor will also:
 - i. determine whether other interested parties should be advised
 - ii. notify joint entities (if any) in accordance with the agreed mechanism(s) or as required by legislation or policy
 - iii. arrange for appropriate efforts to be made to correct the public record of the research, including publications if a breach of the Code has affected the accuracy or trustworthiness of research findings and their dissemination, and
 - iv. determine whether any other consequential action is required.
 - f. In the case of a staff member to whom the relevant disciplinary clauses of the Enterprise Agreement apply*, if the Vice-Chancellor determines that no disciplinary action is to be taken against that staff member, and the staff member has been suspended, the Enterprise Agreement applies (reinstatement at no loss of salary or conditions).
 - g. In the case of a HDR student, if the Vice-Chancellor determines that no disciplinary action is to be taken against that student, and the student has been placed on intermission, no loss of candidature conditions may occur.

6. Review of investigation

6.1. Internal review

- a. Following a determination by the Vice-Chancellor based on an investigation, a respondent, or a complainant who is directly affected by the outcome of an investigation, may request a review of the investigation on the grounds of procedural fairness.
- b. A request for review must be forwarded to the Deputy Vice-Chancellor (Research) within five University business days of notice of the Vice-Chancellor's determination.
- c. A request for review must be made in writing and include detail of the grounds for requesting the review.

* i.e. all staff members except those under probation or employed on a casual basis

- d. The Deputy Vice-Chancellor (Research) will decide whether to proceed with a review, and may seek advice as they see fit to inform the decision.
- e. If the decision is to proceed with a review, the Deputy Vice-Chancellor (Research) will:
 - i. appoint a Review Officer (who must not be a Research Integrity Advisor, a Research Integrity Office staff member, or any staff member who has been involved in the complaint to date)
 - ii. determine how the review will be conducted and the timeframe for the review
 - iii. advise the requestor in writing of the outcomes of the review in timely fashion, and
 - iv. determine, at their discretion, whether another party or parties will be informed of the review outcomes in the event that such party or parties are directly affected.

6.2. Independent review under Enterprise Agreement

In the circumstances specified in the Enterprise Agreement, an Independent Review may be requested.

6.3. External review

- a. A person, group or organisation may request that the [Australian Research Integrity Committee](#) review the process by which the University has investigated a complaint of a breach of the [Research Integrity Policy](#) / [Code](#).

7. Victimisation and support

7.1. Victimisation

- a. Flinders will not tolerate any form of vilification, victimisation or retaliation in respect of:
 - i. any person who lodges a complaint under these procedures
 - ii. any person who provides information under these procedures; or
 - iii. any person involved in investigating or adjudicating the complaint.
- b. Disciplinary action may be taken against any staff member or student who engages in any such behaviour.

7.2. Support

- a. Any person involved in a complaint or investigation may seek support from:
 - i. Staff: People & Culture Business Partners or the Employee Assistance Program
 - ii. Students: the University's [student counselling services](#) and/or Flinders University Student Association [Student Assist](#) team.

Approval Authority	Deputy Vice-Chancellor (Research)
Responsible Officer	Manager, Research Integrity Office
Approval Date	18 January 2023
Effective Date	18 January 2023
Review Date*	January 2026
Last amended	
CM file number	CF19/671

* Unless otherwise indicated, this procedure will still apply beyond the review date.

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