Guidance Document: making a research misconduct complaint or allegation

Allegations of potential research misconduct are taken very seriously by the University and are managed in line with specific ANU Policies and Procedures. Under the Australian Code for the Responsible Conduct of Research (NHMRC/ARC/UA, 2018) ANU is responsible for investigating potential cases of research misconduct.

Some options available to you when deciding how to deal with matters of research misconduct are as follows:

- seek further advice from a Research Integrity Advisor;
- refer the matter directly to the person against whom the complaint would be made; not progressing the matter if such referral resolves the concerns;
- refer your concerns to a person in a supervisory capacity for resolution in the local level; or
- make a formal complaint in writing to the Designated Person in relation to Research Misconduct. The ANU’s designated person is the Dean, Higher Degree Research.

'Designated Person' is appointed by the Vice Chancellor to receive complaints and allegations of research misconduct and carry out other duties as specified in clause 76 of the Enterprise Agreement.

What is research misconduct?

Research misconduct means significant behaviour that improperly appropriates the intellectual property or contributions of others, that intentionally impedes the progress of research, or that risks corrupting the research record or compromising the integrity of research practices, including such behaviours that are unethical and unacceptable in proposing, conducting or reporting research, or in reviewing the proposals or research reports of others.

Serious research misconduct means the recurrence or continuation of conduct, which has previously been found to be research misconduct on the part of the staff member; a failure to follow research protocols approved by research ethics committees or statutory license conditions, where that failure has resulted in an unreasonable risk or actual harm to humans, animals or the environment or the University; deliberately publishing false research results that become part of the public record; conduct that is alleged to be research misconduct but where the consequences of the alleged breach result in serious harm to the University, or other staff, students or visitors, and the conduct is characterised by a reckless and willful disregard for the consequences of the alleged conduct.
Misconduct does not include honest errors or honest differences in interpretation or judgments of data.

**What to consider if you are thinking of making a formal allegation.**
The ANU is only able to investigate matters that involve(d) its staff or students past and present. If you are considering making a formal allegation of research misconduct to the Designated Person there are some important things you should be aware of and should consider undertaking.

1. Refer to Procedures for dealing with research covered in the ANU Enterprise Agreement, ANU policy and procedures (Research Misconduct and Serious Research Misconduct and Responsible Conduct of Research) and the Australian Code for the Responsible Conduct of Research (and associated guidelines)
   a) in order to check that your matter is one of research misconduct;
   b) so that you understand what the process will be once you have lodged the formal allegation; and
   c) so that you understand your obligations and the potential outcomes for all parties involved.
2. Find out where you can obtain advice and support throughout the process.
3. The matter will be resolved as quickly as possible but due to complexity it may take some time.
4. The ANU is only able to investigate matters that involve(d) its staff or students past and present. It is unable to investigate matters that have occurred when the accused held a position at another institutions, if ANU receives an allegation outside its remit it is obliged to pass this on to the appropriate institution.
5. If you wish to make an allegation and remain anonymous it may limit the options available to the University in fully investigating the matter.
6. You must keep the allegations you have made confidential, failure to do so may hinder the investigation. This does not include discussing the matter with a support person or any professional person who is bound to maintain confidentiality.

There is often confusion between general misconduct and research misconduct, if we receive a complaint which more properly requires investigation under other procedures we will inform you so that you can consider applying other more relevant procedures.

**Making a formal allegation**
Formal allegations must be made in writing. When making a formal allegation it is important that the Research Misconduct Allegation Form is used to facilitate timely investigation. When preparing your allegation it is important to write concisely, restricting information that you provide to that which is relevant to an allegation of research misconduct and where you can provide evidence to substantiate your claims.
Potential Outcomes
Based on the evidence provided from relevant parties and in line with Policy the Designated Person will determine whether:

1. The allegations do not constitute research misconduct but should be referred to another area for assessment.

2. The allegations do not constitute research misconduct and the matter is dismissed.

3. The allegations constitute poor research practice and the matter will be referred to management at the local level for appropriate remedial action.

4. The allegations amounts to Research Misconduct and are referred to management at the local level and Human Resources to decide on appropriate disciplinary action.

5. The allegations amount to Serious Research Misconduct. In cases where the accused person does not accept this finding an independent Research Integrity Committee will be appointed to thoroughly review the evidence and findings of the designated person and make a final recommendation to the Deputy Vice-Chancellor of Research. This could include dismissing the allegations; downgrading the allegations or supporting the allegations and the original finding of the Designated Person, with the latter two requiring disciplinary action in line with ANU Policy.

As per the procedure the Designated Person may appoint a Research Misconduct Assessor to review allegations and evidence to determine:

a) whether the conduct that it is central to the substance of the allegations, if proven, would amount to research misconduct; and

b) whether a prima facie case of research misconduct exists.