Guidance: Making a research misconduct complaint or allegation against a current or former ANU staff member or Visiting/Honorary researcher

The ANU Code of Research Conduct outlines the principles of responsible research practice contained in the Australian Code for the Responsible Conduct of Research, 2018 (the Code). All ANU staff and Visiting/Honorary researchers are expected to adhere to these principles. For research integrity matters relating to student researchers (including HDR candidates), please visit Academic integrity.

What is a breach of the Code?

Breaches of the Code occur on a spectrum, from minor to significant.

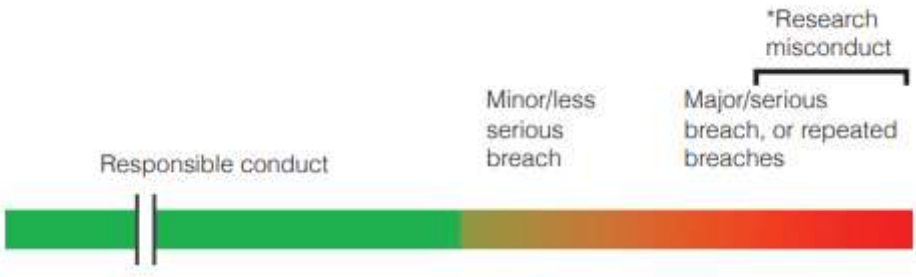

Figure 2: Breaches fall on a spectrum. Responsible conduct of research is represented by the green region of the spectrum. The increasing seriousness of a breach of the Code is indicated by the orange and red regions of the spectrum. Breaches can be minor (less serious) or major (more serious, including intentional or reckless or negligent behaviour). Some major/serious breaches could also be labelled as 'research misconduct'. Repeated or persistent breaches will likely constitute a serious breach. (Source: UA/ARC/NHMRC, *Guide to Managing potential breaches of the Australian Code for the Responsible Conduct of Research, 2018*)

Breaches of these principles by an ANU researcher should be addressed and managed in line with ANU Policies and Procedures. If you are unsure of the severity of a potential breach, or what is the most appropriate action to take, you may wish to:

- seek impartial and confidential advice from a Research Integrity Advisor;
- seek impartial and confidential advice from the Research Integrity office or the ANU Ethics team;
- if you feel comfortable doing so, refer the matter directly to the person against whom the complaint would be made. Discussion may resolve the concerns;
- check whether there are any ANU policies or procedures that would facilitate resolution. For example, if an ANU researcher has concerns about authorship, it should be addressed as per the ANU Procedure for Authorship Disputes (external complainants should email the Research Integrity office);
- refer your concerns to a person in a supervisory capacity for resolution in the local level.

If a satisfactory resolution cannot be reached, you may wish to submit a formal complaint to the Designated Person for receiving research integrity complaints, Professor Ann Evans. The complaint will then be reviewed for evidence of research misconduct or serious research misconduct as per the *ANU Procedure: Research misconduct and serious research misconduct*.

What is research misconduct/serious research misconduct?

At the ANU, significant and/or repeated breaches of the Code are defined as research misconduct or serious 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 licence 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 wilful 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) ANU researchers 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.

- Be familiar with definitions of the Code and ANU policies and procedures related to research integrity.
- You can obtain confidential advice and support throughout the process:

  For students:
  - Dean of Students - confidential, impartial advice and support for student.
  - Graduate research office - services, advice and support for HDR candidates.
  - Health, Safety & Wellbeing - ANU Counselling Services or ANU Student Safety and Wellbeing teams.

  For staff:
  - Wellbeing
  - Employee Assistance Program
- Research integrity reviews and investigations are complex. In order to ensure due diligence and procedural fairness, investigations may take some time. We endeavour to complete investigations without undue delay, and provide regular updates on their progress.
- The ANU is only able to investigate matters that involve/d past and present researchers. 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.

- You may make an anonymous allegation, but be aware that this may limit the options available to the University in fully investigating the matter.
- Complaints and investigation are confidential. It is critical to the integrity of the investigation that matters relating to an active investigation remain confidential, as failure to do so may hinder the investigation and cause significant distress to participants. This does not include discussing the matter with a support person or any professional person who is bound to maintain confidentiality.

Making a formal allegation

When making a formal allegation please complete the Research Misconduct Allegation form. The information you provide can facilitate timely investigation. Please ensure that that the information you provide is relevant to the allegation and is supported by evidence.

Research Integrity investigation process

Each complaint received goes through the following stages:

Stage 1: A confidential initial review of the matter is conducted to establish the nature and the severity of the alleged breaches of the Code, and whether these are severe enough to be considered research misconduct under the ANU Procedure. The review may include:

- a review of the complaint by a Subject Matter Expert, in order to establish whether the conduct that is the subject of the complaint diverges significantly from established disciplinary practice;
- further evidence from the complainant;
- a response from the respondent;
- input from other experts as required.

Stage 2: The Designated Person (DP) will consider all the evidence available to determine whether the complaint should progress to a Research Misconduct Assessor (RMA) for consideration of research misconduct, or if the matter would be more appropriately addressed under other University policies (for example, Authorship disputes should be addressed under the Authorship Procedure in the first instance, and minor ethics issues may be addressed by the relevant Research Ethics Committee).

Stage 3: Referral to a Research Misconduct Assessor. Where the DP determines that the complaint should progress to a Research Misconduct Assessor (RMA), the RMA considers if, on the material available:

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

Stage 4: The DP will consider the evidence available, the advice of the Subject Matter Expert, the respondent's reply to the allegations and the RMA's report to either make a finding of

research misconduct or serious research misconduct, or to dismiss the allegation of research misconduct.

Stage 5: Research Integrity Committee. Most research integrity issues are resolved during Stages 1-4. If the research misconduct is particularly egregious or repeated it may be considered to be serious research misconduct. In such cases the matter may be referred to a Research Integrity Committee.

A high-level process chart of the research misconduct investigation process is available here.

The research integrity office is here to assist staff with this process. Please contact us with any questions.