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Western Sydney University

Contraventions of the Responsible Conduct of Research Policy: Procedural Guidelines

These guidelines should be read in conjunction with the University's
Responsible Conduct of Research Policy

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Introduction

(1) These guidelines are the Contraventions of the Responsible Conduct of Research Policy (Previously - Research Code of Practice) Procedural Guidelines and align with Clause 51 of Western Sydney University's Academic Staff Enterprise Agreements and do not apply to casual employees or employees serving a probationary period.

Purpose and Application

(2) These guidelines articulate:

- The procedures for managing contraventions of the University's Responsible Conduct of Research Policy in accordance with Clause 51 (and associated subclauses) of Western Sydney University Academic Staff Agreement 2022.
- Instances where contraventions of the Responsible Conduct of Research Policy can occur.

Definitions:

(3) The following definitions apply to these guidelines:

Assessment Officer means the staff member to whom a suspected contravention of the Policy is referred by the DVC(REI) for preliminary assessment under subclause 45.18. An Assessment Officer may be the relevant Dean, Institute Director, or Academic Unit Director of Research, the Director, Research Impact and Integrity, or an alternative senior member of staff with experience in research.

Breach means a contravention of the Policy that does not amount to Research Misconduct

Policy means the University's Responsible Research Conduct Policy as amended or replaced from time to time.

Disciplinary Action may include one or more of the following:

- (i) formal counselling
- (ii) staff development (including training)
- (iii) written warnings
- (iv) withholding an increment for up to one year
- (v) demotion by one or more classification levels or increments
- (vi) termination of employment (in cases of Research Misconduct only).

DVC(REI) means the Deputy Vice-Chancellor and Vice-President (Research, Enterprise and International)

Research Misconduct means a serious breach of the Policy that is also intentional, reckless, or negligent. A repeated or persistent Breach may also amount to Research Misconduct

(4) **Examples of contraventions** of the Responsible Conduct of Research Policy that may constitute a Breach or Research Misconduct include but are not limited to the following:

- **Intentional infringements** of the Policy or those which occur through gross or persistent neglect.

- **Not meeting required research standards:**
 - Conducting research without required ethics approvals (and failing to conduct research as approved by an appropriate ethics review body), permits or licenses.
 - Deliberate inclusion of inaccurate or misleading information relating to research activity and publications in: curriculum vitae, grant applications, job applications or public statements; or the failure to provide relevant information.
 - Misuse of research funds.
 - Wilful concealment or facilitation of breaches (or potential breaches) of the Policy by others.
- **Publication and Dissemination of Research:**
 - The fabrication, falsification or misrepresentation of research data or source material in a research output or any communication, including social media and grant applications including claiming results where none have been obtained.
 - Failure to maintain records required by an export control body as a condition of publication and dissemination
 - Failure to take active, reasonable and timely steps to correct the public record upon becoming aware of errors or misleading information in their published research outputs public dissemination of research (e.g., via social media) that is yet to be tested in peer review without providing an appropriate caution or caveat.
 - Failure to honour a restriction on publication or dissemination imposed by a sponsor, ethics or biosafety review body or other approval body (including an export control authority).
- **Plagiarism:**
 - A form of academic misconduct that involves submitting work that is not the author's own; or submitting ideas, words, theories, concepts, research data and source material taken from a source and presented without appropriate acknowledgment
 - Duplicate publication (also known as redundant or multiple publication, or self-plagiarism) without acknowledgment of the source
- **Research data management:**
 - Failure to retain clear, accurate, secure and complete records of all research including research data and primary materials
 - Failure to appropriately maintain research records.
 - Inappropriate destruction of research records, research data and/or source material.
 - Inappropriate disclosure of, or access to, research records, research data and/or source material.

- Failure to notify the institution and relevant authorities in a timely manner of a data breach or instance of inappropriate access to data held by the researcher.
 - Failure to adhere to the conditions of any institutional policy or project-specific approvals that relate to the retention, sharing or destruction of research data or primary materials
 - Selective retention of research data or primary materials so as to hinder the verifiability of a research output or access request
 - Failure to apply appropriate security controls to research data or primary materials
 - Failure to obtain necessary approvals or acting inconsistently with a condition of any approval granted in relation to the management of research data or primary materials.
- **Supervision:**
 - Failure to provide adequate guidance or mentorship on responsible research conduct to researchers or research trainees under their supervision.
 - Failure by a supervisor to provide adequate guidance or mentorship on the responsible conduct of research to researchers or research trainees under their supervision
 - Demanding or accepting authorship of a research output on the basis of supervision, where the individual does not also satisfy the authorship criteria.
- **Authorship:**
 - Failure to acknowledge the contributions of others fairly.
 - Misleading ascription of authorship, including failure to offer authorship to those who qualify, attributing authorship to individuals without their consent
 - The listing of authors without their permission; attributing work to others who have not in fact contributed to the research; and the lack of appropriate acknowledgment of work primarily produced by a research student/trainee or associate. It does not include honest errors or honest differences in interpretation or judgments of data.
 - Publishing research without the final approval of the attributed authors
 - Failure to comply with an authorship agreement
 - Making false claims about the authorship in a grant application.
- **Conflicts of interest:**
 - Failure to declare or manage conflicts of interest in a timely manner
 - Failing to abide by any decisions as to the management of a conflict of interest.

- **Peer review:**
 - Failure to conduct peer review responsibly
 - Taking advantage of knowledge obtained through peer review processes
 - Disclosing the content or outcome of peer review processes
- Risking the safety of human participants or the well-being of animals or the environment
- Other practices that seriously deviate from those commonly accepted within the research community for proposing, conducting or reporting research.

Principles

(5) The principles of procedural fairness will apply to managing and investigating potential contraventions of the Responsible Research Conduct Policy. All investigations undertaken will be:

- **Proportional:** to the extent of the potential contravention of the Policy.
- **Fair:** by affording procedural fairness to respondents and where appropriate to complainants and others who may be adversely affected by any investigation.
- **Impartial:** where any potential, perceived, or declared conflicts of interests of investigators and decision-makers are appropriately managed.
- **Timely:** to avoid undue delays and impact on those involved (subject to the timing of the complaint).
- **Transparent:** Accurate records will be maintained for all parts of the process and information about processes used for managing contraventions of the Responsible Research Conduct Policy will be readily available for all staff and students engaged in research.
- **Confidential:** Information will be treated as confidential and not disclosed unless required.

Investigation Process

(6) The processes used to manage contraventions of the Responsible Conduct of Research Policy are provided in Table 1 and in Figure 1.

Table 1: Managing Contraventions of the Responsible Conduct of Research Policy

Step	Process*
Reporting	<p>Suspected contraventions of the Responsible Conduct of Research Policy must be promptly reported to:</p> <ul style="list-style-type: none"> (a) the relevant Academic Unit Director of Research (or equivalent); or (b) the Director, Research Impact and Integrity <p>who will then consult with the DVC(REI) to determine whether the report relates to a potential contravention of the Policy.</p>
Preliminary Assessment	<ul style="list-style-type: none"> - If a determination is made that a report relates to a potential contravention of the Policy by an Employee, the DVC(REI) will refer the matter to an Assessment Officer for preliminary assessment. - In carrying out the preliminary assessment, the Assessment Officer will gather and evaluate information relating to the reported conduct to determine whether, if proven, the conduct would amount to a contravention of the Policy. The Assessment Officer may also discuss the matter with the Employee, in which case the Assessment Officer will provide the Employee with:

Step	Process*
	<ul style="list-style-type: none"> (a) written particulars of the potential contravention in sufficient detail for the Employee to understand the nature of the contravention; (b) an opportunity to respond in writing within a nominated timeframe; and (c) the option to meet with the Assessment Officer, accompanied by the Employee's Representative. <p>- Following conclusion of the preliminary assessment, the Assessment Officer will provide the DVC(REI) with written advice regarding the following:</p> <ul style="list-style-type: none"> (a) a summary of the process undertaken by the Assessment Officer; (b) an inventory of the facts and information gathered by the Assessment Officer; (c) an evaluation of the facts and information gathered by the Assessment Officer; (d) how the suspected contravention relates to the Policy and/or the University's research processes; and (e) the Assessment Officer's recommendation(s) for further action.
Determination	<p>The DVC(REI) will consider the Assessment Officer's report provided under subclause 51.18 and determine whether the matter should be:</p> <ul style="list-style-type: none"> (a) dismissed; (b) resolved at the Employee's academic unit level, either with or without corrective actions; (c) referred for action in accordance with other University processes; or (d) referred for Research Investigation.
Research Investigation	<ul style="list-style-type: none"> - The purpose of the Research Investigation is to determine whether, having regard to the evidence and on the balance of probabilities, the Employee has contravened the Policy. - If a matter is referred for Research Investigation, the DVC(REI) will: <ul style="list-style-type: none"> (a) prepare a clear statement of allegations; and (b) develop the terms of reference for the investigation. - The Research Investigation will: <ul style="list-style-type: none"> (a) examine the facts and information gathered as part of the preliminary assessment; and (b) gather and examine any further relevant evidence as required. - The Research Investigation (any investigator must be experienced in research and/or research management) may be carried out by: <ul style="list-style-type: none"> (a) an investigator; or (b) an investigation panel (Panel). - A Panel may comprise members from within, and external to, the University. The size and composition of the Panel will depend on: <ul style="list-style-type: none"> (a) the potential consequences for the Employee; (b) the seniority of the Employee; and (c) the need to maintain public confidence in research. - The DVC(REI) will determine the size and composition of the Panel. In selecting Panel members, the DVC(REI) will consider: <ul style="list-style-type: none"> (a) the expertise and skills required of a person appointed as Panel Chair; (b) the appropriate level of experience and expertise in the relevant discipline area(s); (c) the need for a person with prior experience of similar investigation panels or relevant experience, knowledge, and understanding of the responsible conduct of research; (d) the need for Panel members to be free from conflicts of interest or bias; and

Step	Process*
	<p>(e) where practicable, the gender and diversity of Panel members.</p> <p>- The DVC(REI) will advise the Employee in writing of the investigator or Panel's composition and provide the Employee with an opportunity to raise any concerns.</p> <p>45.1 - The investigator or Panel will:</p> <ul style="list-style-type: none"> (a) review the statement of allegations and terms of reference for the investigation, as provided by the DVC(REI); (b) assess the available evidence (including its veracity) and consider whether additional evidence may be required; (c) make findings of fact about the alleged contravention of the Policy; (d) identify whether the Employee has contravened the Policy; (e) consider the seriousness of any contravention of the Policy by the Employee; and (f) make recommendations as appropriate. <p>In carrying out the Research Investigation, the investigator or Panel may also seek expert advice to assist the investigation if required.</p> <p>- At the conclusion of the Research Investigation, the investigator or Panel will prepare a draft report and provide the Employee with an opportunity to comment on the report within a reasonable timeframe.</p> <p>- Following receipt of the Employee's comments (if any), the investigator or Panel will finalise the report and provide it to the DVC(REI) for consideration.</p>
<p>Consideration and final Determination</p>	<p>The DVC(REI) will consider the Research Investigation report. If the DVC(REI) determines that:</p> <ul style="list-style-type: none"> (a) the Employee has not contravened the Policy, the matter will conclude and the DVC(REI) will advise the Employee accordingly in writing; or (b) the Employee has contravened the Policy, the DVC(REI) will determine what Disciplinary Action is to be imposed and advise the Employee accordingly in writing, provided that: <ul style="list-style-type: none"> (i) termination of employment is available in cases of Research Misconduct only; and (ii) if the DVC(REI) determines that the Employee's employment should be terminated for Research Misconduct, they will refer the determination to the Vice-Chancellor for approval <p>- If the DVC(REI) refers a determination to the Vice-Chancellor for approval pursuant to subclause 51.32(b)(ii), the Vice-Chancellor will:</p> <ul style="list-style-type: none"> (a) provide the Employee with 5 working days to respond to a show cause letter; (b) have regard to any matters submitted by the Employee in their response to the show cause letter; and <p>advise the Employee in writing of the Vice-Chancellor's determination within 10 working days of receiving the Employee's response to the show cause letter (if any).</p>

* Please note:

- At any stage of this process, the University and the Employee may agree to place the process on hold for up to 10 working days (or longer period as agreed) and enter into confidential and without prejudice discussions with a view to reaching a mutually agreed early resolution of the matter.
- If the University and the Employee cannot reach a mutually agreed early resolution of the matter within the agreed timeframe, the process will be resumed.
- Unless otherwise agreed, any information a party provides during attempted agreed early resolution cannot be relied upon by the other party for any other purpose.

Investigating Contraventions of the Responsible Conduct of Research Policy (Clause 51 of the WSU Academic Staff Agreement)

Agreed early resolution may occur at any stage

