



## RESEARCH MISCONDUCT PROCEDURE

---

<b>Responsible officer</b>	Edwina Murphy, Deputy Dean and Director of Research
<b>Contact</b>	emurphy@actheology.edu.au
<b>Approved by</b>	Board of Directors
<b>Responsible Body</b>	Academic Board
<b>Approval date</b>	14 November 2022
<b>Effective date</b>	14 November 2022
<b>Review date</b>	14 November 2024
<b>Superseded documents</b>	<i>HDR Candidate Appeals Procedure</i>
<b>Related documents</b>	<i>Research Integrity Policy, Academic Integrity Policy for Coursework Awards, Grievance Resolution Policy - Students</i>
<b>Related HE Standards</b>	2.4, 4.1.1, 4.2.4, 5.2
<b>Student Lifecycle Stage/s</b>	

### 1. PURPOSE

To set out the procedure to be followed for dealing with allegations of research misconduct.

### 2. DEFINITIONS

**Academic Appeals Committee** is the appeals committee of the ACT *Academic Board*, sometimes referred to simply as the **Appeals Committee**.

**Academic transcript** is the official record of a student's results.

**ACT** is the *Australian College of Theology Limited*.

**ACT Office** is the office of the *Australian College of Theology Limited*.

**Affiliated College** is an institution approved to offer an accredited higher education award of the ACT.

**Appeals Committee** see **Academic Appeals Committee**

**Code for Research** is the *Australian Code for the Responsible Conduct of Research (2018)*.

**The Dean** means the Dean and Chief Executive Officer of the ACT.

**Director of Research** is the officer of the ACT who manages all research and research training through the **Graduate School of Research**.

**Ethics Protocol** is the application for ethics approval required for research projects involving human subjects.

**Graduate School of Research (GSR)** is the division of ACT which oversees research and research training, managed by the **Director of Research** and overseen by the **Research Committee**.

**HDR candidate** see **Higher Degree by Research candidate**.



**Higher Degree by Research candidate** is a candidate enrolled in the MTh, DMin, ThD and PhD degrees. Also known as an **HDR candidate**.

**HREC** is the *Human Research Ethics Committee* of the **ACT** – the committee with responsibility for ethics review of human participant research.

**Research Committee (RC)** is the committee which oversees research and research training within the **ACT** through the **Graduate School of Research**.

**Research Coordinator** (also known as the **Postgraduate Coordinator**) is the academic staff member in an **affiliated college** who has responsibility for oversight of research and research training in that college. They also act as the **Research Integrity Advisor**.

**Research Integrity Advisors** assist in the promotion and fostering of responsible research conduct and provide advice to those with concerns about potential breaches of the **Code for Research**.

**Research Integrity Office (RIO)** is the unit with responsibilities that include the management of responses to potential and found breaches of the Code at an institution. This is under the direction of the Director of Research.

**Research misconduct** is an infraction which involves all of the following:

- a breach of the **Code for Research**
- intentionality, 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.

Repeated or continuing breaches may also constitute research misconduct where these have been the subject of previous counselling or specific direction.

**Research misconduct registry** is the central database which records the details of inquiries into research misconduct.

**Researcher** is an individual who is affiliated with ACT who conducts research activities. This includes staff of ACT Ltd, staff of an ACT affiliated college, or another associated researcher undertaking research in association with ACT. It also includes ACT's HDR candidates and includes other ACT students conducting human participant research.

**Statement on Ethical Conduct** is the *National Statement on Ethical Conduct in Human Research (2007) – Updated 2018*.

**Supervising College** is the **affiliated college** at which a research candidate is enrolled which has responsibility for the supervision of the candidate.

**Supervisor Register** is the **ACT** register of approved **supervisors** of **HDR candidates**.



**For the purposes of this procedure:**

**Complainant** means the person who has made the allegation.

### 3. STEPS

#### STEP 1 – INITIAL INQUIRY INTO THE ALLEGED MISCONDUCT

##### Notification of the allegation

1. When an academic staff member of an affiliated college becomes aware of an allegation of research misconduct, details should be forwarded to the Director of Research (Research Integrity Office) within ten working days.
2. If the allegation concerns the implementation of an ethics protocol by a coursework student, the academic staff member should also advise the Academic Dean. All other allegations of research misconduct by coursework students are dealt with under the *Academic Integrity Policy for Coursework Awards*.
3. If the allegation concerns an HDR candidate, the principal supervisor and supervising college's Research Coordinator (RIA) should also be informed.
4. If the allegation concerns academic staff and/or associated researchers, the affiliated college's Research Coordinator (RIA) and Principal should also be informed.
5. Allegations may also be made directly to the Director of Research (RIO)—by members of the public or examiners, for example. **Researchers** should self-report to the Director of Research if they become aware of a written allegation against them.
6. Where the Director of Research is the subject of the allegation, all references to the Director of Research in this document will be taken to refer to the Dean or their delegate.

##### Deciding whether to proceed to a formal inquiry

7. The Director of Research will ask the complainant to provide documentation supporting the allegation.
8. On receipt of the documentation, the Director of Research will consult with the Chair of Research Committee, if it is a matter of research misconduct, or the Chair of HREC if it concerns a breach of the *Statement on Ethical Conduct* related to an ethics protocol. If they believe that:
  - the allegation does not warrant further investigation, the Director of Research will inform the complainant within five working days of being informed of the allegation that the inquiry will not proceed, giving reasons. The Director of Research will report to the next relevant committee meeting regarding the nature of the allegation and the response to the complainant, including the reasons it did not proceed.



- the allegation warrants further investigation, a formal inquiry will be conducted.

## STEP 2 – FORMAL INQUIRY INTO THE ALLEGED MISCONDUCT

### Setting up the inquiry

1. If the Director of Research and the relevant Chair determine that the allegation warrants further investigation, the Director of Research shall write to the **researcher** informing them of the inquiry within ten working days, along with the following members of the relevant affiliated college.

For coursework students: the lecturer or project coordinator and Academic Dean

For HDR candidates: the principal supervisor and the Research Coordinator

For Academic staff and associated **researchers**: the Research Coordinator and Principal

This communication will include:

- details of the allegation being investigated
  - relevant documentation pertinent to the decision to proceed to a formal inquiry
  - an invitation for the **researcher** to provide a response in writing within twenty days of the date on the communication
  - an invitation for the **researcher** to address the committee either in person or via video conference
  - an invitation to be assisted or represented by any staff member or student nominee from their affiliated college
  - a copy of both the *Research Integrity Policy* and the *Research Misconduct Procedure*
  - notification of suspension of human participant research, in the case of allegations relating to the implementation of ethics protocols, for the duration of the inquiry
2. The formal inquiry will proceed whether or not the **researcher** chooses to respond or attend.

### Outcome of the inquiry

3. The conclusions of the relevant committee will be communicated to both the complainant and the **researcher** in writing by the Director of Research within ten working days of the formal decision. Where the relevant committee concludes that the actions of the candidate:
  - **did not constitute a breach** of the *Code for Research*, the *Statement of Ethical Conduct*, or research misconduct as defined above, no further action



will be taken.

- **lacked intent**, but constituted a breach of the *Code for Research or Statement of Ethical Conduct*,
    - the **researcher** and affiliated college's Research Coordinator, along with the researcher's principal supervisor, project coordinator or lecturer (if relevant), will be required to attend an interview with the Director of Research who will detail the specific issues that need to be addressed by the researcher to ensure that in future they comply with the *Research Integrity Policy*, **Code for Research** and/or **Statement of Ethical Conduct**, as appropriate.
    - If the incident arises during the examination process of an HDR candidate, then the examination process will be terminated, and the candidate will be permitted to re-write the work to correct the breach issues identified, and submit the rewritten work for a new examination
  - **evidenced research misconduct**, the relevant committee will determine an appropriate disciplinary action. The candidate must be informed of their right to appeal, and copies of the *Research Integrity Policy* and the *Research Misconduct Procedure* must be included.
4. If the relevant committee concludes research misconduct has occurred, disciplinary actions may include, but are not limited to, one or more of the following:
- failure of the unit or thesis;
  - exclusion from the course for a period not exceeding two (2) years;
  - exclusion from enrolment in any ACT award;
  - removal from the **Supervisor Register** for a given period of time;
  - removal from the **Graduate School of Research** for a given period of time;
  - removal from the *ACT Register of Approved Academics* for a given period of time;
  - another outcome appropriate to the case.

### STEP 3 – APPEALS AGAINST OUTCOME OF THE FORMAL INQUIRY

#### Making an appeal

1. **Researchers** have the right to appeal against the outcome of the formal inquiry to the **Academic Appeals Committee**.
2. The **researcher** must put their grievance in writing, explaining clearly the nature of their concern and the grounds for its appeal.
3. The **researcher** sends it to the ACT's Registrar for the attention of the Academic Appeals Committee.



4. This must be done within fifteen days of receiving the written notification of the outcome of the formal enquiry.
5. The ACT Registrar will then arrange a meeting of the Academic Appeals Committee and submit the **researcher's** appeal to their judgement. Note: The membership of the Academic Appeals Committee is decided on a case-by-case basis (explained in the *Committees of the Academic Board Policy*, available at [www.actheology.edu.au](http://www.actheology.edu.au)).
6. If the **researcher** is dissatisfied with the outcome of the Academic Appeals Committee, they may make a final written appeal via Independent Higher Education Australia (IHEA).

#### STEP 4 – RECORDKEEPING

##### Records storage

1. The ACT office is required to store data about academic misconduct, research misconduct and breaches of the *Code for Research or National Statement on Ethical Conduct in Human Research* in the **Research misconduct registry** for a minimum period of seven (7) years from the date of the last incident recorded.
2. The Director of Research will record all allegations received in the **Research misconduct registry**; however, this should not be construed as evidence that the **researcher** named has engaged in misconduct. The records of allegations are not to be provided to Research Committee, HREC or the Academic Appeals Committee unless they proceed to a formal enquiry.
3. As many of the following details as are relevant are to be included in the **Research misconduct registry**:
  - the researcher's name
  - the researcher's student number and enrolled award, if relevant
  - the allegation which was made, and by whom, with relevant dates
  - the initial documentation provided by the complainant
  - factors taken into consideration in determining whether further investigation was warranted
  - copies of correspondence
  - the evidence or other material on which the findings were based
  - the outcome and the reasons for its determination
  - any disciplinary action undertaken
  - the researcher's agreement to the specified outcome and/or
  - the decision of the Academic Appeals Committee
4. If the researcher is enrolled in an ACT award, their academic transcript will record the relevant outcome.



#### **Access to the records**

5. Research Committee and HREC, via the Director of Research, will have access to the records regarding the case they are considering, and to any other cases recorded against that researcher which proceeded to a formal inquiry, in order to assist in their determination.
6. Where a researcher appeals the outcome of the formal inquiry, the Academic Appeals Committee, through the Director of Research, will have access to all records regarding the formal inquiry relating to that case, and to any other cases recorded against that researcher which proceeded to a formal inquiry, in order to assist in their determination.

#### **4. REFERENCES**

[\*Australian Code for the Responsible Conduct of Research \(2018\)\*](#)

[\*Guidance to support the Code\*](#)

[\*National Statement on Ethical Conduct in Human Research \(2007\) – Updated 2018\*](#)



## 5. VERSION HISTORY

Version	Approved by	Approval Date	Effective Date	Changes made
1	R&RSC	28 April 2017	28 April 2017	New document
2	R&RSC	27 July 2020	27 July 2020	Updated Template
3	Board of Directors	14 November 2022	14 November 2022	Name of policy changed from <i>Higher Degree Research Candidate Research Misconduct Procedure</i> to <i>Research Misconduct Procedure</i> ; Scope broadened; Inquiry and appeals process modified; roles updated.

*Any hard copy of this electronic document may not be current as the ACT regularly reviews its procedures. The latest version can be found online*

<https://www.actheology.edu.au/documents>