



# Research Integrity Breaches procedure

## Section 1 - Preamble

(1) This Procedure is effective from 16 August 2023.

## Section 2 - Purpose

(2) This Procedure documents the processes for managing and investigating potential breaches of the [Australian Code for the Responsible Conduct of Research, 2018](#) (the Code), in accordance with the Guide to Managing and Investigating Potential Breaches of the Code, 2018 (the Investigation Guide).

## Section 3 - Scope

(3) This Procedure applies to allegations of a research code breach and serious research code breach by University staff or students conducting research in Honours, coursework or higher degrees by research (HDR). For allegations involving students that relate to academic integrity involving coursework units and other HDR program content, the Pro Vice-Chancellor Researcher Development will seek the advice of the Dean of Students as to whether the matter should be managed according to this Procedure or the [Student Academic Integrity Procedure](#).

(4) Where an allegation concerns a staff member who is also a student, the Deputy Vice-Chancellor Research and Innovation will determine which process is the most appropriate in all the circumstances.

(5) This Procedure does not limit a person's ability to lodge a protected disclosure where an allegation concerns dishonest conduct by a staff or student researcher, serious enough that if proven it could constitute a criminal offence or provide reasonable grounds for dismissal. Any protected disclosure should be made in accordance with the [Public Interest Disclosures procedure](#).

## Section 4 - Policy

(6) This Procedure is pursuant to the [Research Conduct policy](#).

## Section 5 - Procedure

### Education and support for student researchers

(7) Course Directors and Faculty Higher Degrees by Research (HDR) Coordinators will ensure that students enrolled in courses involving research are provided with information about research integrity as part of their orientation to the University.

(8) Information about research integrity will be included in all relevant unit sites and made available on the Candidature Engagement website. This will include a statement on research integrity incorporating definitions, sources of support and penalties that may apply for research code breaches and serious research code breaches.

(9) Supervisors and Supervision teams will provide students with genuine opportunities to learn how to conduct research with integrity in accordance with expected discipline conventions when they commence research units or courses at the University, with reminders provided throughout their course.

(10) A member of staff in each Academic Unit will be nominated to ensure that:

- a. new supervisors are informed about the [Research Conduct policy](#) and related guidelines as part of their induction
- b. all supervisors are reminded of policy requirements about research integrity at least annually and provided with links to relevant information.

(11) A Faculty, Institute or Academic Unit staff member or group will be nominated to support new and existing staff to improve relevant practices relating to research code breach or serious research code breach.

### **Advice available prior to making a formal allegation**

(12) Anyone considering making an allegation/s of research code breach or serious research code breach may obtain advice on integrity from an [Adviser in Research Integrity](#) appointed by the Deputy Vice-Chancellor Research and Innovation. The advice is confidential except as set out in clause 13. Advisers provide advice on research matters, research integrity breach processes and options for reporting a research code breach and serious research code breach. They will not attempt to assess or investigate an allegation/s or contact the person(s) who is the subject of the allegation/s.

(13) Where the allegation/s is serious enough to constitute a public interest disclosure under the [Public Interest Disclosures Act 2012 \(Vic\)](#) and the person considering making the allegation/s decides not to proceed, the Adviser may choose to make a public interest disclosure in accordance with the [Public Interest Disclosures procedure](#).

### **Allegation of research code breach or serious research code breach**

(14) Anyone who believes a research code breach or serious research code breach has taken place must act in a timely manner and formally report the allegation/s to the Deputy Vice-Chancellor Research and Innovation or nominee. Where possible, the allegation should be made in writing.

(15) Where an allegation of research code breach or serious research code breach poses a likely significant risk to humans, animal safety, the environment or national security, the Deputy Vice-Chancellor Research and Innovation or nominee must take appropriate protective or precautionary action.

(16) The Deputy Vice-Chancellor Research and Innovation or nominee will make the following determination:

- a. the allegation will be dismissed because it
  - i. contained insufficient information or
  - ii. was made with no basis in fact or in bad faith or vexatiously
- b. there are reasonable grounds for a potential research code breach to be pursued in accordance with the approved processes described on the [Research Integrity](#) website
- c. there are reasonable grounds for a potential serious research code breach to be pursued in accordance with clause 20 onwards
- d. the allegation/s refers to matters not dealt with in this Procedure or the Student Academic Integrity procedure and the matter be pursued in accordance with other University policies or procedures.

(17) Where it is determined an allegation was made with no basis in fact or in bad faith or vexatiously, efforts will be made by the Pro Vice-Chancellor Researcher Development to restore the reputation of any affected parties, and if

required, action will be taken according to the [Staff Discipline procedure](#) or [Student Misconduct procedure](#).

## **Preliminary assessment of an allegation of serious research code breach**

(18) The Deputy Vice-Chancellor Research and Innovation or nominee may notify the Vice-Chancellor of any allegation of serious research code breach.

(19) The Deputy Vice-Chancellor Research and Innovation or nominee will appoint an Assessment Officer to conduct a preliminary assessment of the allegation of serious research code breach.

(20) The Assessment Officer must meet the following criteria:

- a. be as independent as possible from the allegation/s
- b. have appropriate experience or expertise
- c. have no conflict of interest or bias.

(21) The Assessment Officer will notify the Director, Academic Governance and Standards where an allegation/s of serious research code breach has been made. The Director, Academic Governance and Standards, will undertake assessment of the allegation and provide a recommendation to Senior Deputy Vice-Chancellor Academic for determination on whether to notify the [Tertiary Education Quality and Standards Agency](#) (TEQSA) according to the [Tertiary Education Quality and Standards Agency Act 2011](#).

(22) Where an allegation/s of serious research code breach relates to NHRMC or ARC funding, the Assessment Officer will contact the Deakin Grants Office to determine if notification to funding bodies is required in accordance with the NHMRC policy on misconduct related to NHMRC funding or ARC Research Integrity and Research Misconduct Policy.

(23) The Assessment Officer will notify the staff or student against whom the allegation/s have been made, in person, or by video or other electronic means where a face-to-face meeting is not possible, and in writing, that they are the subject of allegation/s of serious research code breach and that a preliminary assessment of the allegation/s will be conducted.

(24) The staff or student against whom the allegation/s has been made will receive a written notification of the nature of the allegation and given a reasonable opportunity to be heard and/or to make written submissions, within 10 working days of receipt of the allegation.

(25) The Assessment Officer will conduct their preliminary assessment with procedural fairness. They will:

- a. seek a response to the allegation/s from relevant parties
- b. gather relevant documents, evidence, and any additional information to inform their decision.
- c. make a decision as to whether it is more likely than not that a research code breach or serious research code breach has occurred
- d. recommend any corrective action proportional to the seriousness of the breach, if relevant.

(26) Where a staff member or student admits to a research code breach and/or has left the University, the preliminary assessment into the allegation of serious research code breach will continue, including identifying appropriate corrective actions.

(27) For purposes of the preliminary assessment, the Assessment Officer may:

- a. seek confidential advice on any technical matters from an appropriate person/s from within or outside the University provided that such person or persons has no conflict of interest or bias
- b. seek advice from those in supervisory roles

- c. seek legal advice
- d. consult with the Deputy Vice-Chancellor Research and Innovation or nominee if required. This does not preclude the Deputy Vice-Chancellor Research and Innovation or nominee from making a determination according to clause 31.

(28) The Assessment Officer may broaden the investigation to include additional staff or students as respondents to the allegation where supported by the evidence. Additional staff or students will be notified according to clause 24.

(29) To determine the seriousness of a breach, the Assessment Officer may consider the following factors (without excluding other factors):

- a. the extent of the departure of the breach from accepted practice
- b. the extent to which research participants, the wider community, animals and the environment are, or may have been, affected by the breach
- c. the extent to which the breach affects the trustworthiness of research
- d. the level of experience of the researcher
- e. whether there are or have been repeated breaches by the researcher
- f. whether institutional failures have contributed to the breach
- g. any other mitigating or aggravating circumstances.

(30) The Assessment Officer will prepare a confidential preliminary assessment report within 60 working days of the allegation being made and advise the Deputy Vice-Chancellor Research and Innovation or nominee if there are reasonable grounds for the allegation/s of serious research code breach and whether there is scope for further investigation.

(31) The Deputy Vice-Chancellor Research and Innovation or nominee will consider the preliminary assessment report and within 10 working days of receiving the report determine:

- a. there are no reasonable grounds for an allegation of serious research code breach and the matter be dismissed
- b. the allegation/s amount to a research code breach and any corrective actions proportional to the seriousness of the breach to be managed in accordance with clause 34
- c. there are reasonable grounds for an allegation of serious research code breach and the matter be referred for further investigation in accordance with clause 35.

## **Actions following preliminary assessment**

(32) The Deputy Vice-Chancellor Research and Innovation or nominee will inform the staff member or student against whom the allegation of serious research code breach is made, in person, or by video or other electronic means where a face-to-face meeting is not possible, and in writing, of the outcome and rationale of the preliminary assessment. The complainant will be advised in writing of the outcome.

(33) Where an allegation of serious research code breach has been dismissed on the grounds that it was made with no basis in fact or in bad faith or vexatiously, efforts will be made by the Pro Vice-Chancellor Researcher Development to restore the reputation of any affected parties, and if required, action will be taken according to the [Staff Discipline procedure](#) or [Student Misconduct procedure](#).

(34) Where it is determined that an allegation of serious research code breach constitutes a research code breach according to clause 31b:

- a. the corrective actions will be managed by the:
  - i. Head of Academic Unit for corrective actions relating to the staff member or student.

- ii. Office of Research Integrity for corrective actions not directly related to a staff member or student
- b. for a research code breach by a staff member, the Vice-Chancellor may also take action in accordance with clause 68.3 of the [Deakin University Enterprise Agreement 2023](#).

(35) Where it is determined there are reasonable grounds for an allegation of serious research code breach according to clause 31c, the matter will be either:

- a. referred to the Vice-Chancellor to be managed in accordance with clause 68.4 of the [Deakin University Enterprise Agreement 2023](#) for allegations relating to staff. In this case, the Executive Director, Human Resources will be advised prior to notifying the Vice-Chancellor.
- b. referred to the Pro Vice-Chancellor Researcher Development for a formal hearing in accordance with clause 37 onwards for allegations relating to students.

### **Formal hearing of allegation of student serious research code breach**

(36) Where a formal hearing of an allegation of student serious research code breach is required under clause 35b, a Student Research Integrity Committee will be appointed to hear the case.

(37) The Student Research Integrity Committee will consist of:

- a. the Pro Vice-Chancellor Researcher Development or nominee who will be the Chair. Where a nominee is appointed, they will be a senior member of the professoriate with significant experience in research
- b. an academic member of the Research and Research Training Committee, not from the faculty or Academic Unit of the student
- c. an expert in the field of research, not involved in the supervision of the student
- d. any person co-opted to the Committee by the Chair.

(38) The Chair will nominate the other members of the Committee.

(39) Committee members will not have any [conflict of interest](#) in hearing the case. The Chair is able to make a decision concerning the allegation under clause 31 as well as hear the case.

(40) Deakin Research will notify the student at least 10 working days before the hearing of:

- a. the date and location of the hearing
- b. details of the allegation and evidence supporting it
- c. the opportunity to respond to the allegation in writing up to two days prior to the hearing and/or attend the hearing in person and to call witness/es to the hearing
- d. the right to bring a support person to the hearing according to clause 43
- e. the opportunity to ask questions of the Committee and to answer questions asked by the Committee during the hearing
- f. the hearing still being held even if the student does not respond or attend the hearing. In this case, a decision (and penalty if appropriate) will be made in their absence.

(41) Where further evidence is received it will be provided to the student as soon as possible.

(42) The Committee may request the attendance of staff, students and other relevant people at the hearing to help them to make a decision.

(43) Students may bring a support person to any meetings associated with the investigation or management of the case, provided that the person is not a practising lawyer. Where the support person has expertise likely to assist the

Committee on procedural, technical or factual matters or if the student requires reasonable adjustments, the Committee will allow the support person to speak on the student's behalf.

(44) At the hearing, the Committee will review the evidence of the allegation and will give the student the opportunity to respond and interview any staff, students or other relevant people as required. The Committee will:

- a. act fairly and impartially
- b. exercise independent judgement
- c. conduct themselves in an unbiased, professional and courteous manner.

(45) The Committee will make a decision by a majority vote at the end of the hearing or as soon as possible afterwards. The Committee Chair may adjourn the hearing if appropriate.

(46) The Committee will decide whether it is more likely than not that:

- a. the allegation is not supported and dismiss it, or
- b. make a finding of research code breach, or
- c. make a finding of serious research code breach.

## **Outcomes of student formal hearing**

(47) Where the Committee decides that serious research code breach has occurred, it will apply one or more of the following outcomes:

- a. For Honours and coursework students:
  - i. completion of research integrity training
  - ii. formal warning
  - iii. reduction in marks for the assessment by stated amount
  - iv. zero marks in relation to a specific component of assessment task
  - v. student repeats and resubmits assessment task for a mark of no more than 50%
  - vi. zero marks for the assessment task
  - vii. zero marks for the unit
  - viii. suspension from the course or the University for a study period with an automatic right of return
  - ix. exclusion from the course or University for up to one year with no automatic right of return (student must apply to be re-admitted)
  - x. permanent exclusion from the course
  - xi. permanent exclusion from the University with no opportunity for re-admission to a Deakin course
  - xii. degree not awarded
  - xiii. recommendation to Council that the degree be rescinded
- b. For higher degrees by research students:
  - i. completion of research integrity training
  - ii. an extended period of reporting by the student and supervisor in addition to the normal annual review cycle
  - iii. the research be attempted again
  - iv. suspension from the course or the University for three months with an automatic right of return
  - v. the student's enrolment be terminated:
    - for a minimum of twelve months with no automatic right of return (student must apply to be re-admitted); or

- with no right of re-admission to the course
  - permanent exclusion from the University with no opportunity for re-admission to a Deakin course
- vi. the degree not be awarded
  - vii. recommendation to Council that the degree be rescinded
- c. Retraction of publication/s or amendment of material on the public record
  - d. Restitution of data
  - e. A verbal, written or published apology.

(48) The Committee will notify the student within five working days of the outcome being made, reasons and right to appeal the decision. Deakin Research will coordinate the implementation of the outcome. The decision will be implemented immediately, except where the decision relates to suspension or exclusion and the student appeals the outcome to the University Appeals Committee, in which case the decision will not be implemented until the appeal process is completed.

(49) Deakin Research will record the decision and outcome in the student's record after the conclusion of any appeal process.

(50) Deakin Research will notify Deakin International if the matter involves an international student.

(51) The Student Research Integrity Committee will report outcomes to the Pro Vice-Chancellor Researcher Development.

## **Continuing student study and enrolment**

(52) Students will remain enrolled throughout the management of an allegation and internal management of a breach of research integrity, including the University appeals process. The Pro Vice-Chancellor Researcher Development will decide whether the student can continue to conduct research during this time.

(53) Allegations will be heard and decided even if the student withdraws from the unit or course.

## **Student appeal**

(54) A student may appeal to the University Appeals Committee according to the [Student Appeals procedure](#) against the decision only on one or more of the following grounds:

- a. misapplication of process occurred that resulted in material disadvantage to the student
- b. that the decision was manifestly wrong;
- c. the outcome imposed by the original decision maker was manifestly excessive, inappropriate or not available in the circumstances; and/or
- d. new evidence that was not known or available at the time of the original decision is now available and could have affected the outcome of the decision.

(55) The appeal must be lodged by email within 20 working days of being notified of the outcome of the hearing according to the [Student Appeals procedure](#).

## **Reporting outcomes of research code breach or serious research code breach**

(56) The Deputy Vice-Chancellor Research and Innovation or nominee will inform all relevant parties of the decision and outcome of the assessment of the allegation of research code breach or serious research code breach and their right to request a review of the outcome, as outlined in clause 60. Relevant parties may include but are not limited to affected staff, research collaborators including those at other institutions, all funding organisations, journal editors,

ethics committees, [Tertiary Education Quality and Standards Agency](#) and professional registration bodies.

(57) The Pro Vice-Chancellor Researcher Development will report annually to the Risk and Compliance Unit on the occurrence and nature of allegations and any actions to address the underlying causes. The Pro Vice-Chancellor Researcher Development will report biannually on decisions and trends to Academic Board and University Council through relevant committees.

## **Recording keeping**

(58) All allegations of research code breach and serious research code breach/es will be entered into the Breach Register held by the Pro Vice-Chancellor Researcher Development. This register will include the following:

- a. date the report was made
- b. how the report was made and to whom
- c. date and times or timeframe of the alleged breach
- d. obligation/policy/process that was breached
- e. description of the alleged breach
- f. name and position of those alleged to have committed the breach (Respondent/s)
- g. name and role of any other persons relevant to the incident
- h. grants or funding related to the research
- i. name of the committee or assessment officer conducting assessments relating to the breach/s
- j. action taken following discovery of the incident
- k. outcome of assessment or investigation (to be included at the conclusion of the investigation).

## **Correction of the public record**

(59) Where a research code breach or serious research code breach has resulted in incorrect information being placed upon the public record, action will be taken by the Pro Vice-Chancellor Researcher Development or nominee to correct the public record, including Deakin Research Online.

## **Request for review of a research code breach investigation**

(60) Respondents and complainants may request that the Australian Research Integrity Committee (ARIC) review the processes undertaken by the University in relation to alleged breaches of the Code.

# **Section 6 - Definitions**

(61) For the purpose of this Procedure:

- a. academic integrity: acting in accordance with the values of honesty, trust, fairness, respect and responsibility in academic settings.
- b. Academic Unit: as defined in the [Research Conduct policy](#).
- c. Assessment Officer: a person appointed to conduct a preliminary assessment into a potential serious research code breach. The person must be independent as possible from the allegation/s; have appropriate experience or expertise; and have no conflict of interest or bias.
- d. complainant: a person or persons who has made an allegation of research code breach or serious research code breach.
- e. faculty: includes any institute that is approved under University Regulations to offer courses.
- f. notify: email the staff or student to their Deakin and last known personal email addresses.



- g. research code breach: conduct that breaches the [Australian Code for the Responsible Conduct of Research, 2018](#) that are considered less serious, that may be minor or technical deviations that are honest or accidental errors.
- h. research integrity: a commitment to honesty, accuracy, efficiency and objectivity in research which meets the requirements of the [Australian Code for the Responsible Conduct of Research, 2018](#).
- i. respondent: person or persons subject to an allegation of research code breach or serious research code breach.
- j. responsible committee: the Deakin committee responsible for administering or providing ethical oversight in accordance with the relevant Codes, standards and guidelines (e.g. Animal Ethics Committee, Human Ethics Committee and Laboratory and Biosafety Committee).
- k. serious research code breach: (previously known as 'research misconduct'): refers to more serious or deliberate research code breach that involves:
  - i. intent or deliberation, recklessness or gross and persistent negligence; and/or
  - ii. serious consequences, such as false information on the public record, or adverse effects on research participants, animals or the environment.

A serious research code breach includes fabrication, falsification, plagiarism or deception in proposing, carrying out or reporting the results of research, and failure to declare or manage a serious [conflict of interest](#). It includes avoidable failure to follow research proposals as approved by a research ethics committee, particularly where this failure may result in unreasonable risk or harm to humans, animals or the environment. It also includes the wilful concealment or facilitation of serious research code breach by others.

Repeated or continuing instances of research code breaches may also constitute a serious research code breach, and do so where these have been the subject of previous counselling or specific direction. A serious research code breach does not include honest differences in judgement in management of the research project, and may not include honest errors that are minor or unintentional.

- l. supervision team: a team of at least two suitably qualified supervisors appointed by the faculty to supervise research students.
- m. supervisor: the staff member who provides advice and guidance about research during a unit or course.

## Status and Details

|                               |   |
|-------------------------------|---|
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