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<b>Title: Research Integrity and Misconduct Policy</b>	

# Research Integrity and Misconduct Policy

## Background

Burnet Institute aims to ensure a research environment that minimises the incidence of research misconduct and expects staff and students to conduct their research at the highest standard and integrity.

As an administering institution for NHMRC funds, the Burnet is bound by the NHMRC Funding Agreement and is required to comply with the Australian Code for the Responsible Conduct of Research- 2018 (The Code) (<https://www.nhmrc.gov.au/node/3576>), and associated guidelines including how to manage potential breaches of the Code (<https://www.nhmrc.gov.au/about-us/publications/australian-code-responsible-conduct-research-2018#download>). These documents together with the National Statement on Ethical Conduct in Human Research-2018 (<https://www.nhmrc.gov.au/node/4061>) and the Australian code for the care and use of animals for scientific purposes 8th edition (2013) (<https://www.nhmrc.gov.au/node/851>) updated 2021 provide a framework for the conduct of all research in Australia.

The NHMRC policy on research misconduct (<https://www.nhmrc.gov.au/node/2891>) provides advise to institutions about their responsibilities as well as information on how to report concerns about research integrity (<https://www.nhmrc.gov.au/node/2891>) to the NHMRC.

Burnet also expects all non-NHMRC funded research relevant to any funding body, whether local, national, or international, to be conducted to this same high standard and integrity.

## Purpose

This policy provides an outline of the research standards expected by the Burnet, the procedure to manage research misconduct, from reporting research misconduct through to investigation and management of any research misconduct allegations or breaches of the Code.

## Scope

The policy applies to all Burnet employees and students and to research collaborators performing research on Burnet premises, both locally and internationally. Where there is an allegation of research misconduct against a collaborator or student, the Burnet will work together with the Institution or enrolling University in line with [RIO\\_POL\\_02\\_02/2022](#)

Burnet Research Misconduct Policy and the Australian Code for Responsible Conduct of Research.

**This policy does not apply** where the research misconduct is by an employee of another organisation. Burnet employees who are concerned about the conduct of a person not employed by Burnet, should report their concerns to the Research Integrity Office who may refer the matter to the person's employer for a preliminary assessment.

Misconduct unrelated to the research process, for example harassment, bullying and financial misconduct but not limited to these, falls outside the scope of this Policy. These are covered by Burnet policies (/policies/#85db8094-940d-45a6-a680-4fcb24d4766e) related to workplace conduct and responsibility

This Policy must be read in conjunction with other related documents detailed above.

## Definitions

### Research misconduct

Is a serious breach of the Code which is also intentional or reckless or negligent.

### Allegation (Related to a breach of the Code)

Is a claim or assertion arising from a preliminary assessment that there are reasonable grounds to believe a breach of the Code has occurred.

### Breach

Is a failure to meet the principles and responsibilities of the Code.

### Misconduct

includes, but is not limited to:

- research misconduct (as defined in the Code and Investigation Guide)
- fraud related to NHMRC, MRFF and non NHMRC funding or activities
- corrupt conduct or criminal behaviour.

### Code

Means the *Australian Code for the Responsible Conduct of Research, 2018*.

### Fraud

Is defined as 'dishonestly obtaining a benefit, or causing a loss, by deception or other means' and requires intent.

### Investigation

Is used to describe the action of investigating an allegation of a breach of the Code by a Panel, following the preliminary assessment. The purpose of the investigation is to determine whether a breach of the Code has occurred, and if so, the extent of that breach, and to make recommendations about further actions.

### Preliminary assessment

Is used to describe the gathering and evaluating of evidence to establish whether a potential breach of the Code warrants a preliminary investigation (as per the Investigation Guide).

**Complainant**

A person or persons who has made a complaint about the conduct of research.

**Respondent**

The individual(s) against whom the complaint is made and who must be provided with an opportunity to respond to the complaint.

## Policy statement/overview

The Policy requirements:

**Research misconduct**

A complaint or allegation relates to research misconduct if it involves any of the following:

- an alleged breach of the Code
- intent and deliberate, 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.

Research misconduct 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 research misconduct by others.

Research misconduct does not include honest differences in judgment, or in the management of the research project and may not include honest errors that are minor or unintentional. However, breaches of this Code will require specific action by supervisors and responsible officers at Burnet.

### Examples of research misconduct

There are many ways in which a researcher may deviate from the standards and the provisions of the code.

These include but are not limited to:

- a. fabrication of results (i.e. claiming data where data has not been obtained).
- b. falsification or misrepresentation of results (i.e. falsify data, including changing records)
- c. plagiarism (i.e. the presentation of documented words or ideas or work of another person as his or her own, without appropriate acknowledgement of the original source and with the intention to deceive).
- d. misleading attribution of authorship (Authorship must not be intentionally or recklessly ascribed misleadingly, including the listing of authors without their permission, or attributing work to others who have not met contribution requirements as required by NHMRC Australian Code for the Responsible Conduct of Research).
- e. failure to declare and manage serious conflicts of interest.
- f. falsification or misrepresentation to obtain funding
- g. conducting research without ethics and other regulatory approval (e.g. OGTR, IBC)
- h. failure to declare or adequately manage risk to the safety of human participants, or the wellbeing of animals or the environment.
- i. deviations from the NHMRC Australian Code for the Responsible Conduct of Research that occurs through gross or persistent negligence
- j. wilful concealment or facilitation of research misconduct/serious misconduct by others.
- k. making use of any information in breach of any duty of confidentiality associated with the review of any manuscript or grant application; and
- l. omitting reference to the relevant published work of others for the purpose of inferring personal discovery of new information.

### Research Integrity team; roles and responsibilities

The members of the Research integrity team can be found on The Hub (/search?query=intranet).

### Research Integrity Office

This office is responsible for the management of research misconduct and integrity within the Burnet Institute.

### Research Integrity officers (RIO)

- Have a thorough understanding of research misconduct and integrity and in particular, the Australian Code for the Responsible Conduct of Research as well as having a thorough understanding of Burnet's research practices and Institutional policies and management structure.
- The RIO has the responsibility for the management of research integrity at Burnet. As such the RIO can conduct any investigation or inquiry into any alleged Research Misconduct in a manner that is consistent with the *Australian Code for the Responsible Conduct of Research*.

### Research Integrity Advisors (RIA)

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- Are nominated by Burnet to promote the responsible conduct of research and provide advice to those with concerns about potential research misconduct.
- The RIA must understand research misconduct and integrity, in particular, the Australian Code for the Responsible Conduct of Research, as well as having a good understanding of the Institute's research practices and be familiar with the Institutional policies and management structure.
- The role is to provide impartial advice to anyone who has a question in the area of research integrity and misconduct and provide information about a potential course of action.
- The RIA must not make contact with the person who is the subject of the allegation and must not be involved if they have a relevant conflict of interest (C.O.I). The RIA's role does not extend to investigation or assessment of the

### **The Process for Dealing with reporting, assessing, investigating, and dealing with allegation of Misconduct in Research**

Anyone (internal or external to the Burnet) with a concern relating to research misconduct or a breach of the code should in the first instance contact their Working Group Head, Discipline Head or Research Integrity Advisor (RIA) to seek advice about what might constitute research misconduct, the rights and responsibilities of a potential complainant, the options available to the potential complainant and the procedures for dealing with allegations of research misconduct within Burnet. This can be either verbally or in writing. The RIA can explain the process and available options which must include the potential negative consequences for the complainant if they proceed with lodging an allegation.

The handling of complaints will be:

- Proportional
- Fair
- Impartial
- Timely
- Transparent
- Confidential

The options for the person making the allegation include:

- a. discussing the matter directly with the person against whom the allegation is being made;
- b. not proceeding or withdrawing the allegation if discussion resolves the concern;
- c. referring the allegation to Research Integrity Advisor (RIA)
- d. making an allegation of research misconduct in writing to the Research Integrity Officer.

If the decision is made to proceed, then an initial investigation will be undertaken. The CEO and/or COO will be notified about the allegation and then the Research Integrity Officer (RIO) will conduct a preliminary investigation of the matter. The RIO must advise the CEO and/or COO whether the allegations should be dismissed, dealt with under misconduct provisions unrelated to research misconduct, or investigated further through a research misconduct inquiry.

Throughout the preliminary assessment, the welfare of the complainant and respondent is a key concern for the institution and support should be offered where available.

The matter must also be reported to the Head, OHS and Compliance.

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## 1. Initial Investigation

The Burnet is required to conduct an initial investigation into any alleged activities constituting research misconduct. Such preliminary investigation must make provision for a written statement of any allegations to be provided to the person(s) against whom such allegations are directed, and for a written response from that person to be received and considered. A preliminary investigation should be limited to determining whether a case exists that research misconduct may have occurred.

When undertaking a preliminary investigation of an allegation, the Research Integrity Officer (RIO) must take the following into consideration:

- a. Identify the issues of concern. These may be contained in the allegation or may become evident during the inquiry (The person making the allegation should be interviewed at this stage). The Respondent should be notified in writing at this stage of the precise nature of the complaint made against them.
- b. Determine if allegations are related to research or not, and if not, consider referral to alternative resolution
- c. Attempt to ensure that arrangements in the Burnet workplace are fair to all parties until an allegation is resolved
- d. Consider legislative requirements, the requirements of the Code and the Burnet's guidelines, policies, procedures and workplace
- e. View, collect, record and store documentary evidence such as files, computer files, letters, e-mails. The designated Research Integrity Officer will have the authority to secure all documents and evidence necessary to undertake the preliminary assessment of an allegation.
- f. Obtain witness versions of events and seek written signed statements from
- g. If appropriate, interview the subject of an allegation and document their response, or obtain a statement from them. A support person (non-legal) may be present for the respondent.

Burnet institute must notify NHMRC within 2 weeks of a preliminary investigation of any research integrity complaints, allegations or breaches that are related to NHMRC or MRFF funding. Also, if the Burnet identifies harm to humans or animals and/or the Burnet makes the decision to suspend funding, NHMRC should be notified straight away but no later than 1 week. See NHMRC policy on misconduct (<https://www.nhmrc.gov.au/node/2891>)

On completion of the initial investigation the Research Integrity Officer will report in writing the outcome to the person who made the allegation, to the person against whom the allegation was made, and to the CEO and/or COO. The Research Integrity Officer will advise the CEO and/or COO and make recommendations on whether the allegations should be:

- a. dismissed;
- b. dealt with under alternative provisions unrelated to research;
- c. or undergo a formal investigation.

## 2. Formal Investigation

Where a requirement of a formal investigation has been determined by that there is a *prima facie* case of Research Misconduct to be answered, Burnet is required to conduct a formal investigation. The CEO and/or COO together with the RIO are responsible for establishing a panel of people to conduct a formal inquiry. A range of factors should be considered when determining the size and composition of the Panel including the

potential consequences for those involved, the seniority of those involved and the need to maintain public confidence in research. In determining the composition of the panel there will be situations where some or all members of the panel should be external to the institution.

All members of the panel must sign a declaration confirming that they have no conflicts of interest related to the investigation.

If a formal investigation is warranted Burnet is obliged to inform funding agencies providing funding to the person(s) involved in the alleged misconduct and parties to which the research in question was reported. The Burnet Board must be advised of the alleged misconduct.

Burnet considers it important to continue any such investigation to establish the facts of a matter in which research misconduct is alleged to have occurred, even if the person accused of such misconduct resigns from the Institution.

### 3. Disciplinary Action

Where adverse findings have been substantiated, the CEO and/or COO will initiate action in accordance with Burnet's Disciplinary Procedures which may include legal ramifications:

Breach: Disciplinary action may include counselling, education

Research Misconduct: Disciplinary Action consistent with employment conditions and corrective actions (for example, correcting public record or retracting publication)

### 4. Appeals and Reviews

Any person against whom an adverse finding is made, or upon whom a sanction is imposed for a Breach or for Serious Research Misconduct, may appeal the finding or sanction on the grounds of:

- a. Procedural irregularity, or
- b. New and substantial evidence not previously

Any person subject to an independent inquiry has the right to appeal to a higher authority, most usually the courts.

## Responsibility for implementation

Research Integrity Office

## Related Policies/ Procedures/Guidance

Australian Code for the Responsible Conduct of Research (<https://nhmrc.gov.au/about-us/publications/australian-code-responsible-conduct-research-2018>)

Guide to Managing and Investigating Potential Breaches of the Code (<https://nhmrc.gov.au/about-us/publications/guide-managing-and-investigating-potential-breaches-code>)

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Australian Code of Practice for the Care and Use of Animals for Scientific Purpose  
([http://www.nhmrc.gov.au/\\_files\\_nhmrc/file/publications/synopses/ea16.pdf](http://www.nhmrc.gov.au/_files_nhmrc/file/publications/synopses/ea16.pdf))

National Statement for Ethical Conduct in Human Research (<https://www.nhmrc.gov.au/guidelines-publications/e72>)

Burnet's Disciplinary Procedures (</policies/workplace-conduct-and-responsibility/disciplinary-procedure/>)

NHMRC Research Integrity and Misconduct Policy (<https://www.nhmrc.gov.au/about-us/resources/nhmrc-research-integrity-and-misconduct-policy#block-views-block-file-attachments-content-block-1>)