



Guidelines for research integrity breaches



Unleash UTS

Office of the Deputy Vice-Chancellor (Research)

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In certain cases, some parts of these Guidelines may not be relevant to the particular circumstances of an allegation. The University may deviate from the steps outlined in these guidelines if it decides that it is necessary to do so.

Anonymous complaints are not required to be dealt with under these Guidelines.

You should read these guidelines in conjunction with the UTS [Research Ethics and Integrity Policy](#).

Responsible officers

Institutional role ¹	UTS officer
Assessment Officer	Manager, Research Integrity and Research Programs
Designated Officer	Deputy Vice-Chancellor (Research)
Responsible Executive Officer	Vice-Chancellor
Review Officer	University Secretary

¹ As defined by the *Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research*

1 Raising an allegation

If you are concerned that a researcher has not acted responsibly you should take action in a timely manner, following these Guidelines. You may consult with a [Research Integrity Adviser](#) (Adviser) at any time to discuss any area of concern.

The Adviser will discuss the nature of the allegation with you, provide advice on the requirements of the [Australian Code for the Responsible Conduct of Research](#) (the Code) and the University governance instruments, and explain the options open to you. These options include:

- referring the matter directly to the person(s) against whom the allegation is being made
- not proceeding or withdrawing the allegation, if discussion with the Adviser resolves your concerns
- referring the allegation to a supervisor for resolution at the departmental level
- referring the matter to other UTS procedures not related to research integrity, such as [Handling Staff Grievances](#)
- making the allegation formal by submitting it in writing to the Dean/Director or, in cases where the Dean/Director may have a conflict of interest, directly to the Deputy Vice-Chancellor (Research) (hereafter DVC(Research)).

In accordance with the UTS [Code of Conduct](#) and [Workplace Behaviour Statement](#), you are expected to raise allegations in good faith and complaints must not be frivolous, vexatious, misconceived or completely without substance.

2 Supporting an allegation

An allegation that a researcher has not acted responsibly requires a response that may include the following steps:

- a discreet investigation
- a formal inquiry
- the imposition of a sanction or penalty
- actions to remedy the situation
- advice to expert groups and public statements as appropriate.

Any investigation, response or outcome should be proportional to the seriousness and extent of the alleged conduct.

Allegations must be treated in confidence where possible, and all interested parties must be considered. Interested parties may include:

- the person(s) raising the allegation (the Complainant(s))
- the person(s) against whom the allegation is made (the Respondent(s))
- participants in human-based research whose interests may be affected
- research students, trainees, staff and external collaborators working with the person(s) concerned
- journals and other media through which the research in question was or may be reported
- funding bodies that have contributed to the research
- professional registration and accreditation bodies
- the general public (in some cases).

3 Handling an allegation within a faculty or unit

3.1 Initial assessment

The University prefers that allegations are dealt with at a Faculty or Unit level. Where a written allegation is received internally by the Dean/Director, they will make an initial assessment of the allegations (including a review of any supporting information or evidence) against the UTS [Research Ethics and Integrity Policy](#) and the [Code](#), to determine whether the matter may be resolved at the local level. To support their assessment, the Dean/Director may:

- request further information before making a decision about whether the allegations indicate a potential research integrity breach
- seek advice from the Manager, Research Integrity and Research Programs
- seek advice from the Director of Human Resources
- discuss with the Respondent/s whilst maintaining the confidentiality of the Complainant.

Where an internal allegation is received directly by the DVC(Research), the DVC(Research) will determine what actions to take, in accordance with these Guidelines (for example, they may refer the allegation back to faculty/unit level for assessment, or proceed to preliminary investigation).

At this stage, or any subsequent appropriate stage, the Dean/Director may take any interim, reasonably necessary administrative action to protect:

- human safety
- animal welfare
- data
- UTS property or facilities
- funds provided by external funding bodies
- material that might be relevant to any investigation.

3.2 Resolution at the faculty/unit level

Where the Dean/Director determines that the allegations have no substance, or there has been no research integrity breach and can be resolved at the Faculty/Unit level, they will inform the Complainant(s) of their findings and give advice as to how the concerns might be resolved.

Possible resolutions include provision of information as to why the issue does not constitute a research integrity breach, dispute resolution between relevant parties, rectification of breaches, workplace training, or performance management in accordance with relevant UTS policies and procedures.

Where the Dean/Director considers that allegations have some substance, they will inform the DVC(Research) of the allegation in writing, including:

- details of the Complainant(s)
- details of the Respondent(s)
- the type and seriousness of research integrity breach that is alleged to have occurred
- any actions that have taken place as a result of the allegation
- any relevant information and supporting evidence, with as much detail on where and when the activity(ies) took place.

If a conflict exists for the DVC(Research), the matter will be referred to an alternate member of the senior executive, nominated by the Vice-Chancellor.

Whenever possible, the wishes of the Complainant(s) in relation to the resolution process are taken into account. However, this may not be possible in circumstances where the allegation is of such a serious nature that formal action is required beyond their wishes. In the interest of procedural fairness, the Complainant(s) may have to be identified when formal allegations are put to the Respondent(s). In such instances, the Respondent(s) should be advised that any retaliatory actions taken or threatened against the Complainant(s) will not be tolerated, and will trigger other processes outlined in the [Code of Conduct](#).

Steps should be taken to ensure that a Faculty/Unit assessment does not compromise the integrity of any future investigation, and full records should be kept confidentially by the Faculty/Unit.

4 Preliminary assessment

Once the DVC(Research) has received the allegation and determined it to have some substance, a preliminary assessment will be conducted, where it is possible or reasonable to do so. Instances where an assessment will not be conducted include:

- where the allegations are not contested by the Respondent(s)
- where the allegations are unable to be properly investigated, for example due to the destruction of necessary evidence or the passage of time
- where the allegation is determined to be of a frivolous or vexatious nature
- where there is nothing to be gained from the assessment, for example where the researcher has left the institution and there are no implications to the University or the public record arising from the claims
- where the allegations are already being investigated through another channel (e.g. through the Academic Staff Agreement or through an external agency).

The Manager, Research Integrity and Research Programs is authorised to undertake a preliminary assessment, in conjunction with an assessment panel where the DVC(Research) determines that the complexity of the situation warrants it.

The panel should have sufficient research experience to understand the requirements of the UTS Research Ethics and Integrity Directive, and the [Code](#). It must have knowledge of the relevant field of research, and some expertise or experience in handling similar enquiries.

4.1 Conduct of a preliminary assessment

The purpose of a preliminary assessment is to determine whether or not a potential research integrity breach requires further investigation. It will be conducted in accordance with this Guideline and the [Code](#).

The Manager, Research Integrity and Research Programs will:

- receive the written allegation and any supporting material from the DVC(Research) or the Dean/Director
- determine the scope of, and Respondent(s) to, the allegations
- respond in writing to the Complainant(s) to inform them that an assessment has been initiated, including any requests for clarification or further information
- where it is considered necessary, inform the Respondent(s) in writing that a formal allegation has been received and seek a response to the allegation(s) (either in writing or through interview)
- gather and consider any additional relevant evidence, either through documents or interviews with relevant parties
- keep a full and formal record of the matter.

On completion of the Preliminary assessment, the Manager, Research Integrity and Research Programs will provide a written report to the DVC(Research), in a timely manner. The report will include:

- a summary of the process undertaken
- an inventory and evaluation of the evidence collected and analysed
- whether the Respondent(s) admitted to a breach of the UTS Policy or the [Code](#)
- how the potential breach relates to the principles and responsibilities of the [Code](#) and/or UTS processes
- recommendations for any further action.

4.2 Outcome of a preliminary assessment

The DVC(Research) will consider the preliminary assessment report and may:

- seek further information or clarification from the Complainant(s) and/or Respondent(s), consistent with principles of procedural fairness, to ensure all data and information have been included in the preliminary assessment
- determine that an investigation is required, dependent on the extent and seriousness of the potential breach
- determine if the allegation should be referred to an alternative University processes not related to research such as fraud and corruption or staff grievances
- resolve the matter with or without corrective action
- dismiss the matter, if it is concluded that no breach has occurred.

The outcomes of the assessment should be provided to the Complainant(s) and Respondent(s) in a timely manner. The DVC(Research) may also be required to notify funding and/or regulatory agencies of the outcome of the preliminary assessment.

If the preliminary assessment determines there is no evidence to support the alleged breach, then the following actions should be considered:

- if the allegation has no basis in fact, efforts should be made to restore the reputation of any affected researchers
- if the allegation is considered to have been made in bad faith, efforts to address this with the Complainant(s) should be made, in accordance with the [Code of Conduct](#).

Neither an admission of a breach by the Respondent nor their resignation should be seen as an end point. It may still be necessary to address the allegation, including taking corrective actions.

5 Investigation

Where the DVC(Research) determines that an investigation is required, the following steps should be taken:

- preparation of a clear statement of allegations
- development of the terms of reference for the investigation panel, including nomination of the Chair and members
- notification to those required to attend the investigation
- provision to the respondent of sufficient detail about the allegation to enable a response.

The DVC(Research) should consider and determine the appropriate number of members of a Panel and the skills and expertise required. This will require consideration of:

- the need for an appropriate level of experience and expertise in the relevant discipline(s)
- whether Panel members who are external to the institution are required (for example, if the respondent is a senior or prominent researcher, or if the matter involves other institutions)
- the need for a person with prior experience of an investigation
- whether any conflicts of interest preclude some members from serving on the Panel
- diversity of Panel members.

Once a Panel is established, it should be provided with all relevant information and documentation. It is expected that all Panel members are provided with written appointments and external members are provided with assurance and conditions of indemnity.

The members of the Panel should agree to:

- work within the institution's processes
- follow the procedures of the investigation
- work within the terms of reference for the Panel
- respect the confidentiality of the proceedings
- complete the investigation in a timely manner
- prepare a written report for the DVC(Research) that is detailed, accurate and cogent, and fully addresses the terms of reference. The report should contain findings of fact and any recommendations.

Appropriate resources are to be provided to the Panel including secretariat support. The secretariat maintains the record of evidence and assists with the drafting of the report.

5.1 Conduct of an investigation

The purpose of the investigation is to provide information, evidence and advice to allow the Vice-Chancellor to determine whether a breach has occurred, the extent of the breach and any recommended actions.

The principles of procedural fairness must always be applied when undertaking the investigation. Investigations are to be thorough, robust and free from bias.

During the initial meeting of the Panel, members should:

- disclose relevant interests
- review the case and investigative processes
- develop an investigation plan.

The respondent should be provided with an opportunity to respond in writing to the allegation and have access to all evidence upon which the Panel may rely. If the respondent chooses not to respond to, or appear before, the Panel, the investigation continues in their absence.

All those asked to give evidence are to be provided with relevant, and if necessary de-identified, information including:

- the schedule of meetings they are asked to attend
- the relevant parts of the terms of reference for the investigation, if appropriate
- advice as to how the Panel intends to conduct interviews
- whether they may be accompanied by a support person
- advice about whether the interviews will be recorded

- whether an opportunity will be provided to comment on matters raised in the interview
- the need to disclose interests
- the need for confidentiality
- information about the Panel's procedures.

The Panel is to determine whether, having regard to evidence and on the balance of probabilities, the respondent has breached the UTS Policy or the [Code](#). To do this, the Panel:

- assesses the evidence and considers if more may be required
- may request expert advice to assist the investigation
- arrives at findings of fact about the allegation
- identifies whether the principles and responsibilities of the [Code](#) and/or institutional processes have been breached and if so, documents these breaches
- makes recommendations as appropriate regarding further actions.

If a Panel finds during the investigation that the scope and/or the terms of reference are too limiting, it should refer the matter to the DVC(Research), who may decide to amend the scope of the investigation and the terms of reference. Should this occur, the respondent and relevant others are to be advised, and the respondent given the opportunity to respond to any new material arising from the increased scope.

Where an investigation panel has been unable to reach a conclusion about a potential breach of the UTS Policy or [Code](#), the DVC(Research) should consider whether a further investigation is required. This may be with a different Panel, different terms of reference and/or additional resources.

5.2 Outcomes of an investigation

The DVC(Research) will consider the findings of fact, evidence presented and any recommendations reported by the Panel. The DVC(Research) will also consider the extent of the breach, the appropriate corrective actions and if referral to disciplinary procedures is required, having regard to any mitigating circumstances. The DVC(Research) will provide a final report to the Vice-Chancellor with advice and recommendations.

Where the Vice-Chancellor determines there has been no breach, the following will need to be considered:

- if the allegation has no basis in fact, efforts should be made to restore the reputation of any affected researchers
- if the allegation is considered to have been made in bad faith, efforts to address this with the Complainant(s) should be made, in accordance with the [Code of Conduct](#).

Where the Vice-Chancellor accepts that a breach has been found, the Vice-Chancellor decides the institution's response and actions, taking into account the extent of the breach and whether other institutions should be advised:

- in the case of joint, adjunct and/or honorary appointments of the respondent, institutions should follow their own processes relating to these appointments and seek legal advice in relation to the management of these appointments with other institutions
- in cases where a respondent resigns, the University still has an obligation to address the findings of the investigation. The matter may also need to be referred to the new employing institution.

The University is responsible for ensuring the public record of the research, including publications, is corrected if a breach of the [Code](#) has affected the accuracy or trustworthiness of research findings and their dissemination. The Vice-Chancellor should consider whether a de-identified public statement should be made to communicate the outcome of an investigation.

The outcomes of the investigation and any decisions or actions should be communicated to the Complainant(s) and Respondent(s) in a timely manner. The University may also be required to notify (such as funding bodies, other relevant authorities, or other institutions) of the outcome.

6 Appeals

If you do not agree with or have concerns about a resolution from the Faculty/Unit, you may refer the matter directly to the DVC(Research). You should include details of any previous attempts to raise your concerns.

If you have concerns about how a Preliminary Investigation was conducted you may submit a written request to the University Secretary to review the steps taken. Any requests may only be made on the grounds of procedural fairness. The University Secretary has the discretion to reject or consider the appeal, based on the evidence provided.

If you have concerns about the UTS processes for handling allegations of research integrity breaches, you can raise them with the [Australian Research Integrity Committee](#) (ARIC). ARIC provides a review system of institutional processes for institutions that are in receipt of funding from the National Health and Medical Research Council (NHMRC) or the Australian Research Council (ARC).

7 Allegations received from an external party

Allegations of research integrity breaches may be made by funding organisations (e.g. NHMRC, ARC), research collaborators, other research organisations or members of the public. Regardless of the source, the person receiving the allegation on behalf of UTS should notify the DVC(Research) as soon as possible. The DVC(Research) will take responsibility for handling the allegation in accordance with the [Research Ethics and Integrity Policy](#) and these Guidelines.

Allegations or enquiries relating to research integrity breaches that are received from a funding organisation will be handled in accordance with the appropriate UTS governance instruments and those of the funding organisation.

8 Investigating allegations involving collaborative research across institutions

Where allegations of integrity breaches involve more than one institution, the handling of the investigation should be discussed between the DVC(Research) and the equivalent or nominated officer from the other institution(s). UTS will always aim to cooperate to ensure that only one investigation be conducted, where possible. Regard should be given to clear communication and confidentiality between all parties involved in the case. The University will respect any relevant privacy and other legislation in the locations of the institutions involved (particularly if outside New South Wales).

9 Attachment A. Procedure for handling allegations of research integrity breaches

