

DRAFT CODE OF CONDUCT FOR RESEARCH

DOCUMENT DATA

Document type: Policy
Administering entity: Research Services
Records management system number:
Date Academic Board endorsement:
Date approved:
Date latest revision approved:
Approved by: Council
Date revisions approved:
Indicative time for review: 3 years from approval
Responsibility for review: Research Committee
Related policies or other documents: *Australian Code for the Responsible Conduct of Research*
UNE Academic Staff - Union Collective Agreement
UNE Code of Conduct Staff
Quality in Research Higher Degrees: *A Handbook for Higher Degree Research Students and Supervisors*
Australian Code of Ethics for the Care and Use of Animals for Scientific Purposes
National Statement on Ethical Conduct in Human Research
Values and Ethics - Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research
Higher Degree Research Student Responsible Research Conduct Policy
Knowledge Assets and Intellectual Property Policy
Records Management Policy
Media Policy
Research Materials and Data Ownership, Storage, Retention and Disposal Policy
Hazardous Substances and Dangerous Goods Policy
Authorship Policy
Conflicts of Interest Policy

1. RATIONALE AND SCOPE

- 1.1 The University of New England is committed to maintaining a strong research culture based on integrity and professional conduct. It has developed the University of New England Code of Conduct for Research (UNECCR) as a framework for sound research practices, for the guidance and protection of individual researchers (staff and students) and to outline the processes for dealing with breaches of the Code and research misconduct. The UNECCR is based on the *Australian Code for the Responsible Conduct of Research 2007* (ACRCR), developed by the Australian Government, the National Health and Medical Research Council, the Australian Research Council and Universities Australia.

- 1.2 The UNECCR must be read in conjunction with other relevant policies and guidelines. It is subject to legislative requirements and the terms of the active UNE Academic Staff-Union Enterprise Agreement. Where there are any inconsistencies between the UNECCR and legislation or the Academic Staff Enterprise Agreement, legislation and the Academic Staff Enterprise Agreement take precedence.
- 1.3 The UNECCR applies to all staff¹ and students who carry out research under the auspices of UNE, that is, as part of their association with, employment by and/or enrolment at UNE. The definition includes theses and dissertations but excludes coursework units.

2. DEFINITIONS

Authorship is defined in the *Australian Code for the Responsible Conduct of Research (2007)* as

substantial participation, where all of the following conditions are met:

- (a) conception and design, analysis and interpretation of data;*
- (b) drafting the article or revising it critically for important intellectual content; and*
- (c) final approval of the version published.*

Research is defined in the Australian Research Council ERA 2010 Submission Guidelines² as:

the creation of new knowledge and/or the use of existing knowledge in a new and creative way such as to develop new concepts, methodologies and understandings, and could include synthesis and analysis of previous research to the extent that it is new and creative.

Research Trainee means an Honours (by research) student, a Higher Degree Research student, a postdoctoral research fellow or an early career researcher (within 5 years of obtaining PhD).

Breaches of the Code are actions or omissions that are a violation or an infraction of the Code, but are lacking intent, deliberation, recklessness or negligence, and serious consequences associated with research misconduct.

Research Misconduct is different from a simple breach of the Code as it *involves all of the following:*

- an alleged breach of the Code; and*
- intent and deliberation, recklessness or gross and persistent negligence; and*
- serious consequences, such as false information on the public record, or adverse effects on research participants, animals or the environment.³*

Research Misconduct includes, but is not limited to

- fabrication or falsification of data;

¹ “Staff” includes employees, Emeritus, adjunct, honorary and visiting staff, and postdoctoral fellows working under the auspices of the University of New England.

² OECD (2002), Frascati Manual : Proposed Standard Practice for Surveys on Research and Experimental Development (Paris)

³ Section 10, *Australian Code for the Responsible Conduct of Research, 2007*

- plagiarism;
- breach of confidentiality;
- intentionally omitting reference to the relevant published work of others for the purpose of inferring personal discovery of new information;
- deliberately misleading ascription or attribution of authorship;
- lack of appropriate acknowledgment in contribution to work;
- misrepresentation through statement or omission resulting in the presentation of a material or significant falsehood;
- interference with any research related property or data of another person;
- and
- deliberate inclusion of inaccurate or misleading information, or the failure to provide relevant information, relating to research activity in curriculum vitae, grant applications, job applications or public statement.

Research Misconduct does not include honest errors or honest differences in interpretation or judgements of data.

Plagiarism is defined as

Intentionally or unintentionally using the work of other persons, copying (in whole or in part) the work or data of other persons, or paraphrasing closely or presenting substantial extracts from written, printed, electronic or other media without due acknowledgement.

3. GENERAL PRINCIPLES OF RESPONSIBLE RESEARCH

3.1 UNE is committed to promoting responsible research by

- 3.1.1 providing a safe working environment in which research may be conducted;
- 3.1.2 providing a research governance framework which promotes compliance with all guidelines, legislation and University policies and procedures, relating to the ethical and professional conduct of research;
- 3.1.3 providing induction and on-going training opportunities for research staff and students;
- 3.1.4 encouraging mutual cooperation with open exchange of ideas between peers and respect for freedom of expression and inquiry; and
- 3.1.5 supporting research mentorship.

3.2 Support for the responsible conduct of research at UNE is provided through UNE's research governance framework, which includes

- 3.2.1 the roles, responsibilities and accountabilities of the University, research staff and research trainees;
 - 3.2.2 legislative requirements, policies, guidelines and procedures for responsible research;
 - 3.2.3 pathways for establishing responsible research practice at UNE, collaboration with other organisations, and engagement with the broader community as potential end-users of research;
 - 3.2.4 compliance requirements through relevant offices in the Research Services Directorate and through relevant UNE committees;
 - 3.2.5 the processes for the receipt and management of allegations of breaches of the Codes and research misconduct;
- and which assesses the quality, safety, privacy, risk management, financial management and ethical acceptability of research at UNE.

- 3.3. Researchers must familiarise themselves with the ACRCR and the UNECCR and other relevant policies and guidelines, including those of bodies from which they are receiving research funds, and ensure that their provisions are observed.
- 3.4. Researchers are expected to foster and maintain a research environment of intellectual honesty and integrity, with scholarly and scientific vigour, by
- 3.4.1. respecting the truth and rights of those affected by their research;
 - 3.4.2. managing conflicts of interest so that ambition and personal advantage do not compromise ethical or scholarly considerations;
 - 3.4.3. adopting methods appropriate for achieving the aims of each research proposal;
 - 3.4.4. following legislative and policy requirements for proper practices for safety and security⁴
 - 3.4.5. citing awards, degrees conferred and research publications accurately, including the status of any publication, such as under review or in press;
 - 3.4.6. reporting and disseminating research findings responsibly;
 - 3.4.7. promoting the adoption of, and avoiding departures from, the Codes; and
 - 3.4.8. reporting perceived breaches or perceived research misconduct in a timely manner as directed by this Code.
- 3.5. Researchers must meet national standards for ethical research practice.
- 3.5.1. Researchers working with human participants must ensure that they obtain approval from the UNE Human Research Ethics Committee (HREC) and adhere to the requirements of the *National Statement on Ethical Conduct in Human Research 2007*⁵
 - 3.5.2. Researchers working with issues affecting Aboriginal and/or Torres Strait Islander people must ensure that, in addition to meeting the requirements under part (a) above, they obtain the endorsement of the Panel for Ethical Research Involving Aboriginal and Torres Strait Islanders (PERATSI) and adhere to the requirements of the *Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research*⁶ and Australian Institute for Aboriginal and Torres Strait Islander Studies' *Guidelines for Ethical Research in Indigenous Studies*⁷
 - 3.5.3. Researchers working with vertebrate animals must ensure that they obtain approval from the UNE Animal Ethics Committee and adhere to the requirements of the *Australian Code of Practice for the Care and Use of Animals for Scientific Purposes*⁸.
- 3.6. Researchers should conduct their research so as to show consideration for the wider community⁹ and the environment, by
- 3.6.1. adhering to relevant legislative requirements;
 - 3.6.2. minimising adverse effects; and

⁴ OH&S Act NSW; UNE OH&S Policy; UNE Fieldwork Policy

⁵ <http://www.nhmrc.gov.au/publications/synopses/e72syn.htm>

⁶ <http://www.nhmrc.gov.au/publications/synopses/e52syn.htm>

⁷ <http://www.aiatsis.gov.au/research/docs/ethics.pdf>

⁸ <http://www.nhmrc.gov.au/publications/synopses/ea16syn.htm>

⁹ *Statement on Consumer and Community Participation in Health and Medical Research* (NHMRC and Consumers' Health Forum of Australia Inc, 2002)

- 3.6.3. where appropriate, maximising value to the broader community through outcomes which are of benefit to end-users.

4. MANAGEMENT OF RESEARCH DATA AND PRIMARY MATERIALS

- 4.1. During and after the completion of the relevant research, researchers must comply with the *NSW State Records Act* and UNE policies and procedures pertaining to the management of research materials and data, including:
- 4.1.1. *Research Materials and Data Ownership, Storage, Retention and Disposal Policy*¹⁰;
 - 4.1.2. *Hazardous Substances and Dangerous Goods Policy*; and
 - 4.1.3. *Knowledge Asset and Intellectual Property Policy*.
- 4.2. Confidential materials must be stored securely and researchers who are given access to confidential materials must maintain that confidentiality and use the information only in ways that are consistent with ethical and legal requirements and agreed to by those who gave the information.

5. SUPERVISION OF RESEARCH TRAINEES

- 5.1. UNE requires that:
- 5.1.1. all research trainees have appropriately qualified and trained supervisors who will mentor them and provide research leadership;
 - 5.1.2. all research trainees receive induction and training including ethics, OH&S and environmental protection training;
 - 5.1.3. all research trainees be encouraged to become familiar with the ACRCR, this Code, relevant legislation, guidelines, policies and procedures relating to meeting the requirements of responsible research;
 - 5.1.4. supervisors and higher degree research students comply with the requirements of the UNE *Gold Book, Quality in Research Higher Degrees: A Handbook for Higher Degree Research Students and Supervisors*;
 - 5.1.5. all supervisors are responsible for ensuring that their research trainees produce valid and accurate research and ensure appropriate attribution of the work of other researchers; and
 - 5.1.6. all research trainees are responsible for seeking guidance to ensure that they meet the requirements for the responsible conduct of research.

6. PUBLICATION AND DISSEMINATION OF RESEARCH FINDINGS

- 6.1. UNE promotes the responsible publication and dissemination of researcher findings by requiring that:
- 6.1.1. all parties to the research are informed of the nature and scope of confidentiality agreements;
 - 6.1.2. researchers and research sponsors are familiar with the UNE *Knowledge Asset and Intellectual Property Policy*;
 - 6.1.3. researchers are aware of contractual arrangements that may restrict, delay or limit publication;
 - 6.1.4. research sponsors recognise the importance of publication in research so that publication is not delayed beyond the time needed to protect intellectual property and other relevant interests;

¹⁰ To be developed based on 2.1 of current UNECCR

- 6.1.5. researchers are assisted in communicating research findings to the public through the Marketing & Public Affairs Directorate, consistent with the *UNE Media Policy*; and
 - 6.1.6. reporting research results for publicity purposes gives proper acknowledgement of partner institutions and sponsors involved in collaborative research.
- 6.2. Researchers are required to meet their responsibility to colleagues and the wider community by:
- 6.2.1. providing a complete and accurate account of their findings, taking all reasonable steps to ensure that they are accurately reported, correcting the record as soon as possible if they become aware of misleading or inaccurate statements about their findings;
 - 6.2.2. ensuring that any restrictions due to knowledge asset, intellectual property, cultural sensitivity or legal constraints relating to sponsorship, on publication activities are taken into account;
 - 6.2.3. seeking peer review before public release of research findings;
 - 6.2.4. where feasible, providing research participants and those parties directly impacted by the research, with an appropriate summary of their research results¹¹, prior to its release through the popular media;
 - 6.2.5. citing other relevant work accurately and appropriately;
 - 6.2.6. appropriately acknowledging the contributions made by all participants in and sponsors of the research, including financial and in-kind contributions from the host and/or other institutions;
 - 6.2.7. appropriately identifying and acknowledging any conflicts of interest relevant to the research or the publication of the research findings;
 - 6.2.8. when submitting substantially similar work to more than one publisher, disclosing this that the time of submission; and
 - 6.2.9. taking all reasonable steps to obtain permission from the original publisher before republishing research findings (e.g republishing conference proceedings).

7. AUTHORSHIP

- 7.1. UNE requires that researchers comply with its *Authorship Policy*¹² ensuring that:
- 7.1.1. the conditions of “authorship” as defined under section 2 of this Code are met and lodging a *Statement of Authorship Form* with the relevant Head of School, with signatures of the author/co-authors of the publication;
 - 7.1.2. no person who meets the conditions of the definition of “authorship” is excluded as an author without their written permission;
 - 7.1.3. collaborating researchers agree on authorship of a publication;
 - 7.1.4. all people, including research trainees, who meet the criteria for authorship are offered authorship and their acceptance or declination is given in writing;
 - 7.1.5. authorship is not offered to those who do not meet the criteria as set out under *definitions*;
 - 7.1.6. “authorship” includes authorship of articles published on the web; and
 - 7.1.7. written consent is obtained from those individuals named in acknowledgement as contributors to the research.

¹¹ See NHMRC *Statement on Consumer and Community Participation in Health and Medical Research*

¹² **Need to develop an *Authorship Policy* – requirement of ACRCR**

8. PEER REVIEW

- 8.1. UNE encourages and supports peer review through the impartial and independent assessment of research by others working in the same or a related field.
- 8.2. UNE encourages its researchers to take part in peer review, as reviewers and subjects of review in research, research performance and management:
 - 8.2.1. in the assessment of grant applications;
 - 8.2.2. in the selection of materials for publication;
 - 8.2.3. in research performance reviews; and
 - 8.2.4. in staff selection and promotion processes.
- 8.3. UNE requires that participants in peer review
 - 8.3.1. understand and comply with the criteria of the review;
 - 8.3.2. are suitably qualified with appropriate expertise to participate in the review;
 - 8.3.3. are fair and timely in their review;
 - 8.3.4. maintain confidentiality of content and outcome of the process;
 - 8.3.5. declare all conflicts of interest, avoid the influence of any personal prejudice and/or any irrelevant considerations on the process;
 - 8.3.6. do not take undue or calculated advantage of knowledge obtained during the peer review process; and
 - 8.3.7. give proper consideration to research that challenges or changes accepted ways of thinking.
- 8.4. UNE requires that researchers whose work is undergoing peer review must not seek to influence the process or outcome.
- 8.5. UNE encourages researchers in receipt of public funding to participate in peer review processes.
- 8.6. UNE encourages supervising researchers to assist trainee researchers to develop the necessary skills for peer review and their obligation to participate.

9. CONFLICTS OF INTEREST

- 9.1. In accordance with integrity and good research practice, UNE requires that its staff members comply with the UNE *Conflicts of Interest Policy*, and that all perceived conflicts of interest are disclosed, recorded and managed appropriately. This policy should be read as applying to all researchers at UNE, and to the particular circumstances relating to research, including collaborative research with other institutions.
- 9.2. Researchers at UNE are required to:
 - 9.2.1. read and understand the UNE *Conflicts of Interest Policy*;
 - 9.2.2. maintain records of activities that may lead to conflicts, e.g. consultancies, membership of committees, boards of directors etc., and ensure that other activities are not impacted by these; and
 - 9.2.3. disclose the existence, but not necessarily the details, of any actual or potential conflicts of interest as soon as it becomes apparent to relevant personnel.

10. COLLABORATIVE RESEARCH ACROSS INSTITUTIONS¹³

¹³ "Institutions" is not restricted to other higher education institutions.

- 10.1. UNE supports and encourages collaborative research within and outside Australia, where and when it is appropriate, by requiring that:
 - 10.1.1. a written agreement between the partners on the management of a joint research project is reached prior to its commencement;
 - 10.1.2. the agreement follows the general principles of the *Australian Code for the Responsible Conduct of Research*;
 - 10.1.3. the agreement must cover knowledge asset and intellectual property, confidentiality and copyright issues, sharing commercial returns, responsibility for ethics and safety clearances, and reporting to appropriate agencies;
 - 10.1.4. the agreement should include the identification by each collaborating institution of a person from their institution who is to be involved in the management of research data, primary materials and other items to be retained at the end of the project;
 - 10.1.5. the agreement should address the protocols to be followed by partners when disseminating the research outcomes, and the management of primary research materials and research data; and
 - 10.1.6. researchers are aware of, and understand, the policies and agreements governing the joint research collaboration.
- 10.2. Researchers are required to disclose and manage conflicts of interest arising in collaborative research, as required under the *UNE Conflicts of Interest Policy*¹⁴.
- 10.3. Researchers involved in a joint research project must be aware of, and comply with, all policies and written agreements affecting the project.

11. BREACHES OF THE CODE AND RESEARCH MISCONDUCT - PROCEDURES

- 11.1. Failure to comply with this Code may be grounds for disciplinary action in keeping with relevant staff enterprise agreement¹⁵ or the *Higher Degree Research Student Research Misconduct Procedures (HDRSRMP)*¹⁶, as established by the Deputy Vice-Chancellor (Research).
- 11.2. Roles and Responsibilities
 - 11.2.1. The Deputy Vice-Chancellor (Research) is the designated member of the Senior Executive to whom allegations are to be escalated if they are not dealt with at the School or Faculty level, consistent with the relevant enterprise agreement for staff members or the *HDRSRMP* for students.
 - 11.2.2. On recommendation from its Research Committee, the University appoints Advisers in Research Integrity to advise on responsible conduct of research and the process for making allegations of breaches of this Code and/or research misconduct, and their investigation.
 - 11.2.3. The role of the Vice-Chancellor in dealing with allegations of a breach of this Code or research misconduct will be consistent with procedures under the relevant enterprise agreement or the *HDRSRMP*.

¹⁴ See footnote 15.

¹⁵ Currently the *UNE Workplace Agreement 2006-2008* or equivalent contractual agreement.

¹⁶ *Higher Degree Research Student Research Misconduct Procedures* are based on the procedures followed for staff misconduct.

11.3. Complaints and Allegations

- 11.3.1. Anyone who is concerned that a researcher has not acted responsibly must take action in a timely manner, in accordance with this Code and other relevant UNE policies, or they may be deemed to be complicit.
- 11.3.2. Persons considering making allegations of a breach of this Code or of research misconduct should initially consult an Adviser in Research Integrity, who may be approached in confidence for advice and an explanation of options.
- 11.3.3. It is preferable that complaints and allegations are initially dealt with at the School level, especially if the complaint concerns a simple breach of the Code. However, if circumstances make this difficult or impossible, the Adviser in Research Integrity will suggest other approaches.
- 11.3.4. If the complaint cannot be handled at the School level to the satisfaction of the complainant, the subject of the complaint and the Head of the School, a formal complaint or allegation must be made in writing to the Deputy Vice-Chancellor (Research).
- 11.3.5. On receipt of a written allegation, the Deputy Vice-Chancellor (Research) must advise the Vice-Chancellor whether, in their opinion, a prima facie case exists, and how to proceed. Options include:
 - (a) dismissing the allegations;
 - (b) instructing the department on how to deal with the allegations;
 - (c) dealing with the complaint under provisions unrelated to research misconduct; and
 - (d) investigating the matter further through a research misconduct inquiry.

11.4. Investigation of Allegations

- 11.4.1. Under normal circumstances and notwithstanding that legal requirements may override this, allegations against a staff member of a breach of this Code or behaviour constituting research misconduct must be considered and investigated in accordance with the relevant staff enterprise agreement or equivalent contract.
- 11.4.2. Under normal circumstances and notwithstanding that legal requirements may override this, allegations against a research trainee of a breach of this Code or behaviour constituting research misconduct must be considered and investigated in accordance with the *(HDRSRMP)*.
- 11.4.3. If the Vice-Chancellor considers that a research misconduct inquiry is needed, he or she must decide whether to use an internal institutional research misconduct inquiry, consistent with the relevant staff enterprise agreement or equivalent, or the relevant research trainee policy or agreement, or an independent external research misconduct inquiry, or to refer the matter to the police.
- 11.4.4. Should the allegations of research misconduct be of such seriousness in terms of impact, it may be necessary for the University to refer the matter to an external independent tribunal for investigation and determination. In this case, the University will consult relevant parties in order to meet as closely as possible, the requirements for external investigation as set out under the *Australian Code for the Responsible Conduct of Research (2007)*.

- 11.4.5. Upon completion of the research misconduct inquiry, the Vice-Chancellor must be informed of the inquiry's findings and recommendations.
- 11.4.6. The Vice-Chancellor must then determine the actions to be taken, consistent with relevant enterprise agreements or equivalent and/or with UNE policies.
- 11.4.7. Wherever possible any investigation into research misconduct shall continue even if the person accused of such misconduct resigns from the University. Distortions of the research record must be rectified, whether or not the person involved remains at UNE.

11.5. Procedural Fairness, Natural Justice and Confidentiality

- 11.5.1. Staff or students, who are the subjects of allegations of a breach of this Code or research misconduct will be treated consistent with legal requirements, with principles of procedural fairness and natural justice, and respectful of cultural sensitivities.
- 11.5.2. Confidentiality will be maintained and privacy respected consistent with legal requirements, procedural fairness and natural justice.
- 11.5.3. Where there has been public awareness of allegations and investigation of research misconduct and the allegations have been shown to be unfounded, the public record should be corrected.

11.6. Other Interested Parties

- 11.6.1. The responsible officer for the investigation or the appropriate delegate shall consider whether action is required to try to protect the interests of interested parties external to the University such as journals and other media reporting research, research funding bodies and the public.
- 11.6.2. Subject to the requirements of privacy legislation, if a case for consideration of research misconduct is found to exist, advice of this must be given to the secretary of any funding agency directly supporting the person involved, in accordance with the notification rules of the agency.

11.7. Appeals

- 11.7.1. Appeals that are based strictly on process may be lodged with the Australian Research Integrity Committee.
- 11.7.2. Grounds for review will include that the University's process allegedly:
 - (a) involved a breach of natural justice; or
 - (b) was carried out in an untimely manner that compromised procedural fairness; or
 - (c) was affected by fraud; or
 - (d) deviated from the process defined in Part B of the *Australian Code for the Responsible Conduct of Research* and/or UNE's documented processes.