

# Responsible Research Conduct Procedures - Higher Degree Researchers (Students)

## Section 1 - Purpose

(1) The purpose of these Procedures is to set out the process for making and responding to allegations of a breach of the [Australian Code for the Responsible Conduct of Research 2018](#) by Higher Degree Researchers (students).

(2) These Procedures should be read together with the [Australian Code for the Responsible Conduct of Research 2018](#) (the Code) [Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research](#), 2018 (the Guide), the [National Health and Medical Research Council's Ethical conduct in research with Aboriginal and Torres Strait Islander Peoples and communities: Guidelines for researchers and stakeholders](#), and the University [Rules relating to Awards - Rule 7 - Master by Thesis](#), [Rule 8 - Professional Doctorate Awards](#), [Rule 9 - Doctor of Philosophy \(PhD\)](#) and the University's [Code of Conduct](#).

## Section 2 - Scope

(3) These Procedures apply to allegations of a breach of the Code by Higher Degree Researchers (students).

(4) These Procedures do not apply to Honours students or students undertaking coursework units with a research component

(5) Where an allegation of misconduct relates to a Higher Degree Researcher who is also a staff member, the Deputy Vice Chancellor (Research and Academic Capability) will determine which Procedures apply with reference to the context in which the alleged breach occurred.

(6) All allegations of a breach of the Code will be handled in a confidential manner, consistent with the Code.

## Section 3 - Definitions

(7) For the purposes of this Procedure the definitions are consistent with the [Australian Code for the Responsible Conduct of Research 2018](#) (the Code) and [the Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research 2018](#) (the Guide). Academic Misconduct, or breach of the Code, will be referred to as a breach of the Code in this Procedure:

(8) Academic misconduct means behaviour that contravenes the values of academic integrity. It includes, but is not limited to:

- a. Acting dishonestly in connection with academic work, including assisting, or procuring another person to do so.
- b. Cheating - improper conduct in examinations or other assessment tasks including taking unauthorised study material and aids into an examination room, copying from another Student and sitting an examination for another Student.
- c. Recycling work that has been prepared for one unit by presenting it as original work for another unit or re-

presenting work previously submitted for an incomplete or failed unit unless specific appropriate permission is given.

- d. Collusion - presenting the product of unauthorised collaboration as independent work, or copying, or attempting to copy, another person's work and pass it off as one's own work, or knowingly allowing work to be copied and passed off as the work of another person.
- e. Plagiarism - fraudulently, deliberately or inadvertently using the work of others without due acknowledgement, and claiming it as one's own for academic or other purposes, or self-plagiarism.

(9) Allegation means an Allegation of Academic Misconduct or a breach of the Code.

(10) Appeal means an Appeal against the determination of the Designated Officer.

(11) Assessment Officer (AO): A person or persons appointed by the Designated Officer to conduct a preliminary assessment of an allegation of a breach of the Code.

(12) Balance of probabilities means the civil standard of proof, which requires that, on the weight of evidence, it is more probable than not that a breach has occurred.

(13) Breach means a failure to meet the principles and responsibilities of the Code and may refer to a single breach or multiple breaches.

(14) Caution means a warning about the consequences of a breach of the Code and a clear message about penalties should another breach of the Code occur.

(15) Code means the [Australian Code for the Responsible Conduct of Research 2018](#).

(16) Complainant means a person who has made an Allegation about the conduct of research.

(17) Conflict of Interest exists in a situation where an independent observer might reasonably conclude that the professional actions of a person are or may be unduly influenced by other interests. This refers to a financial or non-financial interest which may be perceived, potential or actual conflict of interest.

(18) Corrective Actions includes but is not limited to retractions or errata of publications, training, counselling and systemic improvements.

(19) Decision Maker means the Designated Officer or Responsible Executive Officer.

(20) Designated Officer is the senior professional or academic University officer or officers appointed by the Responsible Executive Officer to receive allegations about the conduct of research or potential breaches of the Code and to oversee their management and investigation where required.

(21) Evidence means any document (hard copy or electronic, including email, images and data), information, tangible item (for example biological samples) or testimony offered or obtained that may be considered during the process of managing and investigating a potential breach of the Code.

(22) ESOS Act means the [Education Services for Overseas Students Act 2000](#).

(23) Guide means the [Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research](#).

(24) Higher Degree Researcher means a higher degree by research student.

(25) Investigation describes the action of investigating an allegation of a breach of the Code by the 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.

(26) Investigation Officer is a person appointed by the Designated Officer to investigate a potential breach of the Code.

(27) Panel refers to the person or persons appointed by an institution to investigate a potential breach of the Code.

(28) Preliminary assessment means the gathering and evaluating of evidence to establish whether a potential breach of the Code warrants further investigation.

(29) Procedural Fairness means that a fair and proper procedure is used when making a decision.

(30) Reprimand means a formal censure.

(31) Researcher means a person who conducts, or assists with the conduct of, research.

(32) Respondent means a person against who an Allegation has been made.

(33) Responsible Executive Officer (REO) is the senior officer of the University who has final responsibility for receiving reports of the outcomes of processes of assessment or investigation of potential or found breaches of the Code.

(34) Research Integrity Advisor (RIA) is a person or persons with knowledge of the Code and institutional processes nominated by the University to promote the responsible conduct of research and provide advice to those with concerns or complaints about potential breaches of the Code.

(35) Staff (for the purpose of this Policy) means all persons who are academic or professional employees of Southern Cross University, including full time, part time, fixed term and casual and all adjunct, visiting, emeritus and conjoint appointees who are engaged in supervisory and other research roles on behalf of the University.

(36) Student means a person who is registered as a student of the University regardless of whether at the time of the Allegation, they are currently enrolled in a course of study conducted by or within the University.

(37) Support Person means a person who accompanies a party to a meeting.

(38) Third Party means a person, or persons or institutions outside of Southern Cross University and includes industry partners, volunteers, former students, media/journalists, participants in human research and members of the public.

(39) University Processes includes references to Rules, Policies, Procedures, Guidelines and Standards.

## Section 4 - Institutional Roles

(40) [Schedule A](#) identifies and documents the Southern Cross University positions responsible for the key roles and responsibilities recommended for the investigation and management of potential breaches of the Code.

## Section 5 - Allegations

### Factors to Consider Before Making an Allegation:

(41) Allegations may originate from inside the University or from Third Parties.

(42) Anyone who reasonably suspects a breach of the Code by University Staff or a Higher Degree Researcher conducting research may report it to the University in accordance with these Procedures.

(43) Before making an Allegation of a potential breach of the Code, confidential advice may be sought from Research Integrity Advisors.

(44) Research Integrity Advisors can provide confidential advice to staff and Higher Degree Researchers unsure about a research conduct issue, and who may be considering whether to make an Allegation. Research Integrity Advisors will provide advice about appropriate institutional rules and policies and the options regarding Allegations which include:

- a. Not proceeding if the Allegation is clearly not related to a breach of the Code;
- b. Proceeding under a different University complaint processes;
- c. Making an Allegation about a potential breach of the Code in writing to the Designated Officer.

(45) The Research Integrity Advisor role does not extend to investigating or assessing the allegation.

### **Allegation of research code breach**

(46) If anyone believes there has been a breach of the Code, they should report the Allegation in writing to the Designated Officer using a [Code Breach Allegation form](#).

(47) On receipt of an Allegation, the Designated Officer, or nominee, must consider whether there are likely to be significant risks to human or animal safety, the environment or national security. Where a potentially significant risk has been identified immediate and appropriate protective or precautionary action must be taken.

(48) Where an Allegation is withdrawn, the Designated Officer will consider the seriousness of the Allegation and determine whether to proceed to a Preliminary Assessment.

(49) Anonymous Allegations will be considered based on the information provided.

(50) An Allegation referred from the ARC, or relating to research or work involving the ARC, must be reported to the ARC, consistent with the ARC Research Integrity Policy.

### **Protection of Interested Parties**

(51) The University encourages Staff, Higher Degree Researchers, Students and Third Parties to report any potential breaches of the Code.

(52) Any allegations of reprisal or threatening behaviour toward a person who has made a complaint alleging breaches of the Code or misconduct in research will be investigated in accordance with the relevant University Processes.

### **Procedure upon Receipt of an Allegation of Research Code Breach**

(53) The Assessment Officer will receive the written Allegation from the Designated Officer and conduct a preliminary assessment.

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

- a. Be independent from the Allegation;
- b. Have appropriate experience or expertise;
- c. Have no conflict of interest or bias.

### **Preliminary Assessment**

(55) In conducting the Preliminary Assessment, the Assessment Officer should:

- a. Notify the Respondent, including sufficient details about the Allegation known at that time. This notification

should invite the Respondent to provide a written response within 10 working days after the date on which the notice sent;

- b. Conduct the Preliminary Assessment in a timely manner;
- c. Seek the involvement of those in supervisory roles in the potential breach, if appropriate;
- d. Consider the need to involve other institutions/stakeholders in the matter;
- e. Assess the evidence and seek supporting documentation;
- f. Identify the nature of the misconduct;
- g. Document evidence and provide a report of the facts and findings to the Designated Officer.

(56) The Assessment Officer may:

- a. Seek further information from the Complainant;
- b. Seek further information from the Respondent if required;
- c. Consult with experts, such as researchers from the same or aligned disciplines, especially where the Allegation relates to specific disciplinary practice;
- d. Consult with an expert/s to provide specific or independent advice about the conduct of the assessment.

(57) The Assessment Officer may discuss the matter with the Respondent, and should provide a copy of the record of the meeting to the Respondent.

## **Section 6 - Determining an Allegation**

(58) Decisions are made on the balance of probabilities, consistent with the Code.

(59) The Assessment Officer must provide written advice to the Designated Officer which includes:

- a. A summary of the assessment process;
- b. The response from the Respondent, if one has been received within the 10 working days;
- c. An inventory of the information gathered and analysed;
- d. An evaluation of the facts and information;
- e. An assessment of how the alleged conduct relates to the principles and responsibilities of the Code or University Processes;
- f. Recommendations for further action.

(60) The Designated Officer determines the Allegation directly even if the Higher Degree Researcher does not respond to the Notice of Allegation or is absent from any meeting convened regarding the Allegation.

(61) The Designated Officer will determine, based on the advice of the Assessment Officer, whether the Allegation should be:

- a. Dismissed;
- b. Resolved by the Assessment Officer with or without Corrective Action;
- c. Confirmed as of a Breach of the Code and appropriate Penalties applied (see clause (64));
- d. Referred to another University process.

(62) If the matter is dismissed, the Designated Officer will consider:

- a. If the Allegation has been found to have no basis in fact, action to restore the reputation of any affected parties;

- b. If the Allegation made by a Staff member or Higher Degree Researcher or Student has been found to be frivolous, vexatious, or without substance, action under University Processes against the Complainant may be taken;
- c. Addressing any systemic issues that have been identified.

## **Penalties or Orders that May Be Imposed by the Designated Officer/Responsible Executive Officer**

(63) The Designated Officer in determining a breach of the Code Allegation by a Higher Degree Researcher may impose one of the following penalties:

- a. A Caution and recommendations for making revisions to the research item/output, if required;
- b. A Reprimand and recommendations for making revisions to the research item/output, if required;
- c. Termination of candidature; or
- d. A recommendation to the Chair, Academic Board that they recommend Council revoke and require the surrender of an award.

(64) The Designated Officer will notify the outcome of their determination to the Respondent and Complainant, in writing within 10 working days of determining the Allegation.

### **Breach of the Code**

(65) If a breach of the Code has occurred, the Designated Officer will decide what the appropriate course of action is, taking into consideration the extent of the breach and whether other institutions/stakeholders should be advised.

(66) The Respondent (and the Complainant, if directly affected by the outcome) will be advised of their right to request an internal review and how to lodge a request for review, including timeframes and the information required to make a request.

(67) If a breach of the Code has affected the accuracy or trustworthiness of research findings and their dissemination all efforts should be taken to correct the public record of the research including publications.

(68) Subsequent actions may include informing relevant parties such as funding bodies, other relevant authorities or other institutions of the outcome.

(69) Decision Makers will ensure compliance with the reporting requirements set out in the Australian Research Council Research Integrity Policy.

### **Appeal against determination made by the Designated Officer**

(70) The Higher Degree Researcher has a right of appeal to the Responsible Executive Officer against the determination made by the Designated Officer under this Section. The appeal must be made in writing to the Deputy Vice Chancellor (Research and Academic Capability) within 20 working days of the date of the determination notice.

(71) If the Higher Degree Researcher lodges an Appeal, the operation of the penalty, or order imposed under these Procedures is placed on hold, pending the outcome or withdrawal of the Appeal.

(72) The Appeal must be made based on one or more of the following grounds:

- a. that the determination is unreasonable or cannot be supported on the basis of the evidence available at the time the determination was made; or
- b. that particular evidence should have been considered as relevant to the determination made; or
- c. that particular evidence that was considered relevant to the determination made was irrelevant; or

- d. that a particular provision of these Procedures was misinterpreted or not followed, which resulted in a substantial miscarriage of justice; or
- e. a failure to observe procedural fairness; or
- f. that any penalty imposed or order made was excessive or inappropriate taking into account all the circumstances of the case.

(73) No person may hear an Appeal where they have a perceived or actual Conflict of Interest.

(74) The Responsible Executive Officer will hear, consider and determine an Appeal against a determination made by the Designated Officer subject to that Appeal being received in writing within 20 working days of the date of the Determination Notice.

(75) The process of determining any Appeal must commence within 20 working days of the formal lodgement of the Appeal and all reasonable measures should be taken to finalise the process as soon as practicable.

(76) The Responsible Executive Officer must determine:

- a. In relation to the Determination:
  - i. To sustain it; or
  - ii. To dismiss it.
- b. In relation to the penalty imposed:
  - i. To confirm it; or
  - ii. To impose a lesser or greater penalty; or
  - iii. To remove it.

(77) The Responsible Executive Officer must, once a determination is made in relation to the Appeal, notify the Higher Degree Researcher within 10 working days. The notice must advise :

- a. A statement of reasons for that determination
- b. The determination is final and conclusive, and may not be the subject of a further Appeal within the University;
- c. A website link to the relevant University Policy and Procedures; and
- d. That the Higher Degree Researcher has the right to access an external Appeals process through the New South Wales Ombudsman's Office, if not satisfied with the result or the conduct of the Appeals process as described.

## **Section 7 - Responsibilities and Powers of Decision Makers**

(78) A Decision Maker must, in relation to the hearing and determination of an Allegation or Appeal:

- a. act as quickly as is practicable, and without undue formality as is appropriate for the circumstances of the case and in accordance with the rules of procedural fairness;
- b. ensure that the Higher Degree Researcher concerned understands the nature of the Allegation made and the implications of that Allegation;
- c. ensure that the Higher Degree Researcher is provided with the opportunity to be heard or to have their submissions considered before any determination is made;
- d. if requested to do so, explain to the Higher Degree Researcher the procedure of the Decision Maker or any determination made by that Decision Maker.

(79) A Decision Maker has those powers conferred by these Procedures. Subject to these Procedures, they may act on their own initiative or in response to an Allegation.

(80) Frivolous or vexatious Allegations, or Allegations without substance, will not proceed beyond preliminary investigation. Any person making frivolous or vexatious Allegations may be subject to further action.

(81) A Decision Maker must not delegate a function or a power conferred under these Procedures. However, a Decision Maker may seek assistance or advice for the purpose of exercising functions as such (for example, directing Staff to carry out an investigation and to provide a report).

(82) A Decision Maker may hear and determine one or more different Allegations at the same time.

(83) If, before a final determination is made, a fresh Allegation is made against a Higher Degree Researcher that arises out of or relates to the same conduct that is the subject of the previous Allegation, then the Decision Maker may hear the fresh Allegation together with the original Allegation.

(84) Subject to these Procedures and principles of procedural fairness, a Decision Maker has power to:

- a. summon any member of Staff or Higher Degree Researchers of the University to provide information or evidence (including documents) about an Allegation;
- b. to the extent permitted by law, obtain information concerning an Allegation in any way that Decision Maker sees fit;
- c. make any procedural directions in connection with the Decision Maker thinks fit;
- d. require evidence or argument to be presented orally or in writing, and determine on which matters that Decision Maker will hear oral evidence or argument;
- e. extend any deadlines given to a Higher Degree Researcher by that Decision Maker under this Rule; or
- f. correct any obvious errors in any notice or other communication given under this Rule in the following circumstances:
  - i. where there is an obvious clerical or typographical error in the text of that notice or communication;
  - ii. where a document was omitted from a notice or other communication (for instance, a copy these Procedures) arising from an accidental oversight or omission;
  - iii. where there is an error arising from an accidental slip or omission; or
  - iv. where there is a defect of form.

## **Section 8 - Rights and Responsibilities of Higher Degree Researchers**

(85) All Higher Degree Researchers are entitled to procedural fairness in the investigation and determining of any Allegation against them.

(86) Procedural fairness includes:

- a. the Higher Degree Researcher being informed of the Allegation and all relevant particulars relating to the Allegation;
- b. the Higher Degree Researcher being given a reasonable opportunity to answer an Allegation;
- c. the Higher Degree Researcher having the choice to be accompanied by a support person (which may be a student advocate) but not a legal representative, at any hearing to answer any Allegation;
- d. the Higher Degree Researcher being given normally not less than 14 working days' notice of the hearing of any Allegation;



- e. the Higher Degree Researcher being allowed to be present during those parts of a hearing in which any evidence or submission is given or made in relation to the Allegation or, if the Allegation is to be determined without a hearing, being given a reasonable opportunity to respond to any evidence or submission;
- f. the Higher Degree Researcher or the accompanying Support Person (which may be a student advocate) but not a legal representative being given a reasonable opportunity to question witnesses present and/or evidence presented at any hearing, subject to the discretion and determination of the Chair of the Committee for the hearing;
- g. the Higher Degree Researcher being given access to or copies of any evidence or submission given or made in relation to the Allegation, subject to the discretion and determination of the relevant Decision Maker, normally the Chair of the Committee for the hearing;
- h. absence of actual or perceived bias or conflict of interest on the part of the Decision Maker;
- i. the Decision Maker acting in accordance with University policy and procedures;
- j. the Decision Maker basing their determination on the evidence before them at the time that determination is made; and
- k. the Decision Maker giving a statement of reasons for their determination.

(87) Higher Degree Researchers are expected to conduct themselves in a proper manner at all times and not disrupt or prejudice the hearing or deciding of an Allegation or an Appeal. They are to observe the processes in place (including those about confidentiality) and to behave in a courteous and reasonable manner towards University Staff who investigate or decide those Allegations.

(88) If a Higher Degree Researcher disrupts or prejudices any hearing or determination of an Allegation or an Appeal, the relevant Decision Maker will have the power to require them to leave and to continue hearing or determining the Allegation or Appeal in the absence of the Higher Degree Researcher.

## **Section 9 - Conflict of Interest or Bias**

(89) A Decision Maker under these Procedures shall be disqualified from making a determination or exercising any other power conferred to them if there is any actual or perceived bias or conflict of interest. A conflict of interest includes but is not limited to:

- a. Any personal relationship of a social or intimate nature between:
  - i. The Decision Maker or panel member and the Respondent concerned
  - ii. Any other person who gives evidence in respect of the Allegation.
- b. If the Decision Maker is a person who is a witness to, or is called to give evidence in respect of the Allegation
- c. Financial or non-financial interest that may be perceived, potential or actual conflict of interest;
- d. The Decision Maker must be independent from the Allegations.

(90) If a Decision Maker has a Conflict of Interest or there is a reasonable perception of bias, then the Deputy Vice Chancellor (Research and Academic Capability) (or the Vice Chancellor if it relates to an appeal) must appoint another person to replace the Decision Maker or Panel member.

## **Section 10 - Guidelines**

(91) Nil.



## Status and Details

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