



## NIIM HREC Research Misconduct Complaints and Resolution Policy

### 1. Policy Statement

This document sets out the principles by which the National Institute of Integrative Medicine (NIIM) Human Research Ethics Committee (HREC) fulfils its obligations and upholds the requirements of the Australian Code for the Responsible Conduct of Research<sup>1</sup> with respect to handling of complaints made in relation to research misconduct.

### 2. Application

This policy applies to all researchers who are involved in research projects approved by the NIIM HREC.

### 3. Definitions

Breaches of the Code: specific actions or omissions that constitute breaches of the NIIM Research Code of Conduct (NIIM staff and students) and/or Australian Code of Conduct for Responsible Conduct of Research (all researchers) that lack the seriousness of consequences or wilfulness to constitute research misconduct. Such breaches should be remedied by counselling or advice, however their repetition or continuation may lead to more serious consequences which may then constitute research misconduct.<sup>2</sup>

External Researcher: an individual who is not a staff member or student of NIIM, who is conducting or participating in a research project that is approved by the NIIM HREC.

Failure to Implement the Code: failure to take responsibility for achieving the standards aspired to in the NIIM Research Code of Conduct (NIIM staff and students) and the Australian Code of Conduct for the Responsible Conduct of Research (all researchers).

Procedural Fairness: denotes that parties to a complaint are treated fairly, with respect and without bias, that the process will be conducted with transparency in a timely manner, that a decision-maker may not be biased or appear to be biased or have a personal interest in an issue, that only information relevant to the issue will be considered, and that all parties have a right to be heard and right to respond to statements or evidence that are relied on in reaching a decision, and that where a complaint concerns allegations about the conduct of others, those individuals are a respondent and have the right to be informed about the substance of the allegations made against them and have the right of response.

Research Misconduct: serious breaches of the Australian Code for the Responsible Conduct of Research that are sufficiently substantial to warrant formal investigation, and denial or admission. A complaint or allegation relates to research misconduct if it involves the following:

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<sup>1</sup> <http://www.nhmrc.gov.au/guidelines-publications/r39>

<sup>2</sup> Australian Code for the Responsible Conduct of Research. Available at URL: <http://www.nhmrc.gov.au/guidelines-publications/r39>

- An alleged serious and/or deliberate breach of the NIIM Research Code of Conduct (NIIM staff and students) and/or Australian Code of Conduct for Responsible Research (all researchers)
- Repeated and/or continual breaches of the Australian Code of Conduct for Responsible Research that may lead to more serious consequences
- Intent and deliberation, recklessness or gross and persistent negligence
- Serious deviation from accepted standards within the research and scientific community
- Serious consequences eg. false information on a public document, adverse effects on research participants, animals or the environment<sup>1,2</sup>

An allegation of research misconduct may be linked with other types of misconduct eg. bullying.

Examples of research misconduct include: plagiarism, falsification, fabrication or deception in proposing, conducting or reporting research; misleading ascription of authorship (eg. listing authors without their permission, not including someone as an author when they fulfil the requirements, lack of appropriate acknowledgement of work primarily conducted by a research student or trainee); failure to declare or manage a conflict of interest; failure to gain ethical approval for a research project to proceed; failure to follow research protocols approved by the HREC; wilful facilitation or concealment of research misconduct of others; and repeated or continuous breaches of the NIIM Research Code of Conduct (NIIM staff and students) and/or Australian Code of Conduct for the Responsible Conduct of Research (all researchers)<sup>1,3</sup>.

Research misconduct does not include honest differences in judgement in management of research or honest errors that are minor or unintentional<sup>2</sup>.

Serious Research Misconduct: is that which has the potential to endanger the safety of others including research participants.

#### **4. Principles**

4.1 The National Institute of Integrative Medicine (NIIM) Human Research Ethics Committee (HREC) has been established by NIIM in exercise of its commitment to the conduct of human research according to the highest scientific and ethical standards. The HREC is committed to fulfilling the requirements of Australian HREC's as set out in the NHMRC's Australian Code of Conduct for Responsible Research.

4.2 In fulfilling its duties under the Code, the HREC receives and manages allegations and complaints in relation to research projects that it has approved.

4.3 Where an allegation or complaint about research misconduct is made against a NIIM HDR student, the allegation or complaint is handled under the NIIM HDR Student Research Misconduct Complaints and Resolution Procedures.

4.4 Where an allegation or complaint about research misconduct is made against a NIIM HDR student, the allegation or complaint is handled under the NIIM Staff Research Misconduct Complaints and Resolution Procedures.

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<sup>3</sup> University of Melbourne Office for Research Ethics and Integrity. Research Misconduct. Available at URL: <http://www.orei.unimelb.edu.au/content/research-misconduct>

4.5 Where an allegation or complaint about research misconduct is made against an External Researcher the allegation or complaint is handled under the HREC Research Misconduct Complaint Resolution Procedures.

4.6 Investigations of allegations or complaints about research misconduct are undertaken following fair and transparent procedures to expediently address and attempt to resolve these using procedural fairness and the principles of natural justice.

4.7 External researchers and complainants have a right to appeal against a decision made in relation to a finding of the investigation process, in accordance with the processes set out in the NIIM HREC Research Misconduct Complaints and Resolution Procedures. Grounds for appeal are:

- The procedure was not followed correctly
- There is additional, substantial and relevant information that was not available at the time of the investigation
- The penalty imposed is unduly harsh and incommensurate with the misconduct

## 5. Related Policies and Procedures

- HREC Research Conduct Complaint Resolution Procedures
- NIIM Staff Research Misconduct Complaints and Resolution Procedures
- NIIM HDR Research Misconduct Complaints and Resolution Procedures

## 6. Approvals Summary

Policy/Procedure Code & Name	HREC Research Misconduct Complaint Resolution Policy
This Version Number	1.0
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Next Review Date	25 Jan 2023
Contact Officer	Chief Executive Officer