



THE UNIVERSITY OF
NOTRE DAME
A U S T R A L I A

POLICY: CODE OF CONDUCT FOR RESEARCH

Purpose:	This policy outlines the Code of Conduct which binds all staff, students and researchers at the University.
Responsible Executive:	Provost
Responsible Office:	Research Office
Contact Officer:	Manager, Research Administration
Effective Date:	March 2006
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Campus Applicability:	All Campuses

Rationale

The University of Notre Dame Australia is committed to the highest standard of integrity in research. The responsibility for research quality and integrity is shared by the University – its Academic Council and Ethics Committees (and their sub-committees), Research Management Office, the School Research Committees, research supervisors, principal researchers/project directors and research students.

The Code of Conduct (“the Code”) binds all staff, students and researchers at the University and failure to comply with the Code may be a ground for disciplinary action.

Principles

The Code is based on the following general principles:

1. the fundamental goal of all research is the pursuit of truth.
2. in the pursuit of such truth all researchers at the University should:
 - maintain high ethical standards and comply with the University’s procedures and policies for ethical clearance;
 - maintain high standards of professional conduct and ensure that their work enhances their profession and the good name and Mission and Goals of the University;
 - respect people, their privacy and ensure the safety of those associated with the research;
3. respect non-human participants in research;
4. only participate in research which conforms to the ethical standards approved by the University and which they are competent to perform;
5. ensure validity and accuracy in the collection and reporting of data;
6. make research methods and results open to scrutiny and debate by colleagues and the profession at large;
7. ensure confidentiality;
8. guarantee that research data is not used for their personal advantage or that of a third party; and
9. disclose any situation that could lead to real or apparent conflict of interest.

CODE OF CONDUCT FOR RESEARCH¹

This code of conduct for research addresses the following issues:

1. DATA STORAGE AND RETENTION
2. AUTHORSHIP
3. PUBLICATIONS
4. CONFLICT OF INTEREST
5. ETHICS CLEARANCE
6. RESEARCH MISCONDUCT

¹ The following Code of Conduct for Research is adapted from the Joint NHMRC/AVCC Statement and Guidelines on Research Practice¹, the University of Melbourne Code of Conduct for Research² and Edith Cowan University’s Guidelines on the Responsible Conduct of Research and Scholarship³.

Data storage and retention

1. Research data and records obtained by staff, students and researchers in research projects conducted under the auspices of the University must be held in a durable, secure and registered place in the School in which they were generated.
2. Stored data must be appropriately referenced and kept for sufficient time to allow claims made in publications to be verified and to honour any confidentiality and intellectual property agreements. The minimum period for retention is at least five years from the date of publication, but for specific types of research, such as clinical research, fifteen years is required. [Research data refers to primary data obtained through observations, measurements, interviews, surveys and tests. Clinical research means research obtained through clinical trials which are pre-planned, usually controlled, clinical studies of the safety, efficacy, or optimum dosage schedule (if appropriate) of one or more diagnostic, therapeutic, or prophylactic drugs, devices, or interventions in humans selected according to predetermined criteria of eligibility and observed for predefined evidence of favourable and unfavourable effects]
3. Each School or research unit must establish procedures for retention of data. Data management should comply with relevant privacy protocols, such as the Australian Federal Privacy Legislation and associated National Privacy Principles⁴. Researchers must comply with these retention procedures.
4. Individual researchers may hold copies of the data for their own use. Retention solely by the individual researcher provides little protection to the researcher or the University in the event of an allegation of falsification of data.
5. Data related to publications must be available for discussion with other researchers. Where confidentiality provisions apply (for example, where the researchers or the University have given undertakings to third parties, such as the participants of the research), it is desirable for data to be kept in a way that reference to them by third parties can occur without breaching such confidentiality.
6. Confidentiality agreements to protect intellectual property rights may be agreed between the University, the researcher and a sponsor of the research. Where such agreements limit free publication and discussion, limitations and restrictions must be explicitly agreed.
7. The Dean of the School should inform researchers of their obligations with respect to these provisions. All confidentiality agreements should be made known at an early stage to the Research Administration Office.
8. The location of all research data must be recorded on the relevant Ethics Clearance form which contains information on ownership of data, location of data, access to data, right of access to data and confidentiality agreements. It is the researcher's responsibility to ensure any changes to the location and/or status of research data is notified to the Ethics Committee.
9. Only persons specified in the original ethics application should have access to confidential data. Should others wish to have access to the data, this will be subject to an application to the Research Administration Office.
10. When data are obtained from limited access databases, or via contractual arrangements, written indication of the location of the original data, or key information regarding the database from which it was collected, must be retained by the researcher or research unit.
11. Where a copy of the data is stored in a researcher's office or otherwise, researchers are responsible for ensuring appropriate security for any confidential material, including that held in computing systems.

12. Where Schools have established computing systems holding research data which are accessible through networks, particular attention to security of confidential data is required. Security and confidentiality must be assured in a way that takes account of multiple researchers and the departure of individual researchers.
13. Where the research entails the use of name-identified data, said data must not be removed from a secure location on campus. Please also refer to the guidelines document *Code of practice for name-identified data*.
14. In an event a researcher leaves the University, and the researcher continues to use the material, the original data must remain at the University in a secure, registered place in the School in which they were generated, the researcher taking a copy only of the data. Any subsequent research publications and other outcomes must acknowledge the University. Similarly if any University researchers wish to continue with the data generated at the University, any subsequent research publications and other outcomes must acknowledge the original researcher.

Authorship

1. The minimum requirement for a person to be attributed as an author of a publication should accord with the 'Vancouver Protocol'⁵. For a person to be attributed as author, he or she must have substantially participated in the creation of a publication and must satisfy all of the following conditions:
 - a. participation in the conception and design, or analysis and interpretation, of data;
 - b. drafting the article or revising it critically for important intellectual content; and
 - c. giving final approval of the version to be published.
2. Participation solely in the acquisition of funding or the collection of data does not justify authorship. General supervision of the research group is not sufficient for authorship. Any part of an article critical to its main conclusion must be the responsibility of at least one author. An author's role in a research output must be sufficient for that person to take public responsibility for at least that part of the output in that person's area of expertise. No person who is an author, consistent with this definition, must be excluded as an author without his or her permission in writing.
3. "Honorary authorship" (i.e. inclusion based on status, seniority or credentials) is an unacceptable practice.
4. Where a student is the primary author of research, his/her name must be recognised as the senior author in any publication.
5. Authorship of a research output should be discussed between researchers at an early stage in a project, and reviewed whenever there are changes in participation. Any disputes about authorship should be referred to the Provost, who will decide on a course of action.
6. When there is more than one co-author of a research output, one co-author (by agreement amongst the authors) should be nominated as executive author for the whole research output, and should take responsibility for record-keeping regarding the research output.
7. Where there is more than one co-author, the order of authorship should be a joint decision of the co-authors.
8. A publication must contain appropriate acknowledgment of the contributions made by all participants in the relevant research, including the work of research students, research assistants and technical officers who have made a contribution to the research. Courtesy demands that individuals and organisations providing facilities should also be acknowledged.

Publications

1. Publication of multiple papers based on the same set(s) or subset(s) of data is not acceptable, except where there is full cross-referencing within the papers (for example, in a series of closely related work, or where a complete work grew out of a preliminary publication and this is fully acknowledged).
2. Author(s) who submits the same or substantially similar work to more than one publisher should disclose that fact to the publishers at the time of submission.
3. As a general principle, research findings should not be reported in the public media before they have been reported to a research audience of experts in the field of research - preferably by publication in a peer-reviewed journal, except where there is a contractual arrangement. However, where there is public interest in research findings, occasionally reporting to the media before peer reviewing of findings may be justified but the unreported status of the findings must be disclosed at the time.
4. Where there is private reporting of research that has not yet been exposed to open peer-review scrutiny, especially when it is reported to prospective financial supporters, researchers have an obligation to explain fully the status of the work and the peer-review mechanisms to which it will be subjected.
5. Publications must include information on the sources of financial support for the research. Financial sponsorship that carries an embargo on such naming of a sponsor should be avoided
6. Deliberate inclusion of inaccurate or misleading information relating to research activity in curriculum vitae, grant applications, job applications or public statements or the failure to provide relevant information, is a form of research misconduct. Accuracy is essential in describing the state of publication (in preparation, submitted, accepted), research funding (applied for, granted, funding period), and awards conferred, and where any of these relate to more than one researcher.
7. All reasonable steps must be taken to ensure that published reports, statistics and public statements about research activities and performance are complete, accurate and unambiguous.

Conflict of interest

1. A conflict of interest arises in circumstances where that person has a real, perceived or potential opportunity to prefer their own interests, or those of any other person or organisation, to the interests of the University such that an independent observer might reasonably question whether the individual's professional actions or decisions are determined by considerations of personal gain, financial or otherwise. A conflict of interest depends on the situation, and not on the character or actions of the individual.
2. Examples of conflicts of interest in research include-
 - a. Where the research is sponsored by a related body;
 - b. Where the researcher or a related body may benefit, directly or indirectly, from any inappropriate dissemination of research results (including any delay in or restriction upon publication of such results);
 - c. Where the researcher or a related body may benefit, directly or indirectly, from the use of University resources; and
 - d. Where the researcher conducts a clinical trial which is sponsored by any person or organisation with a significant interest in the results of the trial.

3. A related body is any person or body with which the researcher has an affiliation or a financial involvement.
4. A financial involvement includes a direct or indirect financial interest, provision of benefits (such as travel and accommodation) and provision of materials or facilities.
5. An indirect financial interest is a financial interest or benefit derived by the researcher's relatives, personal or business associates, or research students.
6. A researcher must make a full disclosure of a conflict of interest as soon as reasonably practicable to the Dean of the School, except that where the researcher is a Dean of a School, the disclosure must be made to the Provost.
7. The officer in receipt of the disclosure referred in paragraph (b) above must discuss the matter with the staff member concerned and determine a procedure for the management or elimination of the conflict of interest. The procedure must be documented and the researcher advised in writing.
8. Researchers must disclose any conflict of interest to editors or journals, to the readers of published work and to external bodies from which funds are sought.

Ethics Clearance

Researchers must ensure that they have gained ethics clearance from the appropriate ethics committee of the University before commencing the research.

Research Misconduct

1 Definition of research misconduct

- (a) "Misconduct" or "scientific misconduct" is taken here to mean fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It includes the misleading ascription of authorship including the listing of authors without their permission, attributing work to others who have not in fact contributed to the research, and the lack of appropriate acknowledgment of work primarily produced by a research student/trainee or associate. It does not include honest errors or honest differences in interpretation or judgements of data.

Examples of research misconduct include, but are not limited to, the following:

- (i) Misappropriation: A researcher or reviewer shall not intentionally or recklessly plagiarise (which shall be understood to mean the presentation of the documented words or ideas of another as his or her own, without attribution appropriate for the medium of presentation), make use of any information in breach of any duty of confidentiality associated with the review of any manuscript or grant application, or intentionally omit reference to the relevant published work of others for the purpose of inferring personal discovery of new information.
- (ii) Interference: A researcher or reviewer shall not intentionally and without authorisation take or sequester or materially damage any research-related property of another, including without limitation the apparatus, reagents, biological materials, writings, data, hardware, software, or any other substance or device used or produced in the conduct of research.

- (iii) Misrepresentation: A researcher or reviewer shall not with intent to deceive, or in reckless disregard for the truth, state or present a material or significant falsehood, or omit a fact so that what is stated or presented as a whole states or presents a material or significant falsehood.

7.2 Procedures for dealing with allegations of misconduct

(a) Protection of interested parties

- (i) Protection of interested parties is essential when handling allegations of research misconduct. Adequate protection of the person(s) bringing the allegation and the person(s) against whom the allegation is made must include absolute confidentiality and reasonable speed in the conduct of any investigation.
- (ii) Other interested parties in an allegation of misconduct might include:
 - Staff, students and trainees working with persons making the allegation, or with persons against whom the allegation is made.
 - Journals and other media reporting research subject to suspected, alleged, or found research misconduct.
 - Funding bodies that have contributed to the research.
 - The public.
- (iii) Protection of other interested parties should not violate the confidentiality of the complainant or the accused in a case of alleged misconduct. Where disclosure is deemed necessary, the Vice-Chancellor should make the decision.

(b) Complaint

- (i) An allegation of research misconduct is to be made to the Dean of the School within which the research is taking place or to the Provost.
- (ii) A Dean who has received a complaint must inform the Provost of the complaint as soon as practicable, and provide the Provost with all available information relevant to the complaint.
- (iii) On receipt of an allegation, the Provost shall inform the Vice-Chancellor of the nature of the allegation.
- (iv) Should the Provost receive a complaint under this section, the Provost must inform immediately the person against whom the complaint is made.
- (v) There will be a preliminary investigation of cases in which a charge of research misconduct has been made and it will be conducted under the direction of the Provost. Such preliminary investigation will 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 will be limited to determining whether a prima facie case exists that research misconduct may have occurred.
- (vi) If a person about whom allegations of research misconduct have been made ceases to be an employee or student of the University, the investigation shall continue, in order to establish the facts of the matter.
- (vii) If a case for consideration of research misconduct is found to exist in the preliminary investigation, a formal investigation shall proceed.
- (viii) Where the Provost is satisfied that a complaint cannot be sustained, the Provost must advise the Vice-Chancellor to dismiss the complaint and inform the person making the complaint accordingly.

- (ix) Where the Provost is satisfied that there is no reasonable basis for a complaint, the Provost must advise the Vice Chancellor to determine if it is appropriate to take disciplinary action against the person making the complaint.
- (c) Formal Investigation
 - (i) An enquiry established under the Code must be completed as expeditiously, and with such confidentiality, as the circumstances of the complaint permit.
 - (ii) The Vice-Chancellor must inform the person who is the subject of the complaint in writing of the terms of the complaint, the decision to undertake an enquiry, and the person or persons appointed to undertake the enquiry.
 - (iii) The Vice-Chancellor must also provide the person who is the subject of the complaint with (1) an opportunity to respond in writing to the complaint within thirty days of notification, and (2) an opportunity to make oral submissions to the person or persons appointed to undertake the enquiry during the hearing of the complaint.
 - (iv) The person or persons appointed to undertake an enquiry must provide the Vice-Chancellor with a report of the enquiry and advise the Vice-Chancellor whether, in their opinion, the person who is the subject of the complaint is guilty of misconduct.
 - (v) The Vice-Chancellor must inform the person who is the subject of the complaint and the person making the complaint of the finding of the person or persons appointed to undertake the enquiry.
 - (vi) Where the person or persons appointed to undertake an enquiry is or are satisfied that the person who is the subject of the complaint is guilty of misconduct, the Vice-Chancellor must determine whether it is appropriate to take disciplinary action against that person.
 - (vii) Findings of research misconduct must be reported to any funding agency that supported work in respect of which such misconduct occurred, or which is currently supporting the person found to have engaged in research misconduct, and to journals and other media through which the research in question was reported. Distortions of the research record must be rectified, whether or not the persons involved remain in the institution.
 - (viii) Where the person or persons appointed to undertake an enquiry is or are satisfied that there is no basis for a complaint, the Vice-Chancellor must determine whether it is appropriate to take disciplinary action against the person making the complaint.

FOOTNOTES AND LINKS TO SUPPORTING DOCUMENTATION

1. Joint NHRMC/AVCC Statement and Guidelines on Research practice (1997) available at <http://www7.health.gov.au/nhmrc/research/general/nhmrcavc.htm> last accessed 11/4/05
2. University of Melbourne Code of Conduct for Research available at <http://www.unimelb.edu.au/ExecServ/Statutes/r171r8.htm> last accessed 25/5/05
3. Edith Cowan University Guidelines on the Responsible Conduct of Research and Scholarship available at [http://www/ecu.edu.au/GPPS/ethics/](http://www.ecu.edu.au/GPPS/ethics/) last accessed 11/4/05
4. Privacy Act (1988) and Privacy Amendment Act (October 2001). Available at: <http://www.privacy.gov.au/act/> National Privacy Principles (part of Privacy Act 1988). Available at: <http://www.privacy.gov.au/publications/npps01.html>
5. Uniform Requirement for Manuscripts Submitted to Biomedical Journals 1997. Available at <http://www.ro.mq.edu.au/policy/procedures/Vancouver/Vancouver.pdf>