

## THE UNIVERSITY OF AUCKLAND STAFF RESEARCH MISCONDUCT POLICY

### Research Policy

#### 1. PURPOSE

This policy seeks to ensure that researchers at the University of Auckland maintain the highest standards of professional conduct when undertaking and supervising research. Under the Education Act 1989, academic staff are given academic freedom to undertake research, but this academic freedom is predicated on the need to maintain the highest ethical standards; the need to permit public scrutiny to ensure maintenance of those standards; and the need for accountability and the proper use of resources.

#### 2. DEFINITIONS

For the purposes of this policy:

**“Academic Head”** means the Head of Department/School/Research Centre/Institute or other academic unit in which the employee is employed.

**“Misconduct in research”** includes but is not limited to:

- Fabrication or falsification of data, including changing records or claiming results that have not been obtained;
- Misrepresentation, including presenting material which is deceptive in itself, or where its use or presentation is deceptive;
- Plagiarism, including the direct copying of textual material, the use of other people's data without acknowledgement and the deliberate use of published or unpublished ideas from other people without adequate attribution;
- A breach of a duty of confidentiality;
- Failure to comply with any legislative or mandated ethical requirement;
- Misleading ascription of authorship, including the listing of authors without their permission, attributing work to others who have not contributed to the research, and failing to acknowledge work primarily produced by a research student/trainee/associate;
- Interference, including taking, sequestering or materially damaging any research-related material of another researcher without authorisation, including the apparatus, reagents, biological materials, writings, data, hardware, software, or any other substance or device used or produced in the conduct of research;
- Failure to declare a conflict of interest;
- Failure to obtain approval where required from, or to follow research protocols approved by, a research ethics committee or biological safety committee/approving agency;
- Other serious misdemeanours in specific disciplines including breaches of relevant professional codes of practice and codes of ethics;

- Other research practices which bring or are likely to bring the University into disrepute.

For the purposes of this policy, the definition of **“Research”** is that used in New Zealand’s Performance-Based Research Fund, which is currently:

“original investigation undertaken in order to contribute to knowledge and understanding and, in the case of some disciplines, cultural innovation or aesthetic refinement. It typically involves enquiry of an experimental or critical nature driven by hypotheses or intellectual positions capable of rigorous assessment by experts in a given discipline. It is an independent\*, creative, cumulative and often long-term activity conducted by people with specialist knowledge about the theories, methods and information concerning their field of enquiry. Its findings must be open to scrutiny and formal evaluation by others in the field, and this may be achieved through publication or public presentation. In some disciplines, the investigation and its results may be embodied in the form of artistic works, designs or performances. Research includes contribution to the intellectual infrastructure of subjects and disciplines (eg. dictionaries and scholarly editions). It also includes the experimental development of design or construction solutions, as well as investigation that leads to new or substantially improved materials, devices, products or processes.

\* The term ‘independent’ here should not be construed to exclude collaborative work.”<sup>1</sup>

**“Researcher”** means anyone employed under a University of Auckland employment agreement, and anyone subject to the University Of Auckland Policy on Honorary and Adjunct Appointments, and anyone holding a University title such as Emeritus Professor, who is undertaking, piloting or supporting research in association or affiliation with the University of Auckland.

If a staff member is also a student, they are subject to both the provisions and procedures in this policy and in the Student Academic Conduct Statute and any other policies and statutes applying to students and staff.

### **3. POLICY**

Researchers must foster and maintain a research environment of intellectual honesty and integrity, and scholarly and scientific rigour. Researchers should adhere to the University’s Code of Conduct for Research. This includes requirements to:

- demonstrate honesty and integrity;
- communicate research results responsibly;
- manage and retain data responsibly;
- manage conflicts of interest appropriately;

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<sup>1</sup> Tertiary Education Commission (2011), Performance-Based Research Fund Quality Evaluation Guidelines 2012.

- respect human research participants, animals and the environment;
- ensure the safety of all those associated with research;
- ensure that the design of projects conforms to all relevant ethical guidelines; and
- comply with all legal requirements

Researchers should be committed to the highest standards of professional conduct in undertaking and supervising research. They have a duty to maintain the highest standards of integrity in research applicable to their discipline, and thus to protect and enhance the reputation of the University of Auckland in research.

Researchers should only participate in work that conforms to accepted ethical standards and which they are competent to perform. When in doubt they should seek assistance with their research from their colleagues or peers. Debate on, and criticism of, research work are essential parts of the research process.

#### **4. MISCONDUCT IN RESEARCH**

If any person, including a non-University member, has a concern that an academic staff member may have committed misconduct in research, the person should raise his or her concern with the relevant Academic Head. When such a concern is raised regarding an academic staff member, the procedure set out in the University's Discipline Procedures for Academic Staff should be followed. For the avoidance of doubt, references to "misconduct" or "serious misconduct" in the Discipline Procedures includes "Misconduct in Research".

If any person, including a non-University member, has a concern that a professional staff member may have committed misconduct in research, the person should raise his or her concern with the professional staff member's manager. Where such a concern is raised regarding a professional staff member, the Discipline Procedures for Professional Staff should be followed.

If any person, including a non-University member, has a concern that a member of the University who is neither an academic staff member nor a professional staff member (such as an honorary, emeritus or visiting academic) may have committed misconduct in research, the person should raise his or her concern with the Academic Head of the host Department or School. The process set out in the University's Discipline Procedures for Academic Staff should be followed. The following disciplinary options are available to the delegate, depending on the seriousness of the offence:

- An instruction or formal written warning to improve conduct or performance;
- Removal of an honour or honorary title;
- Removal of access to University facilities, offices, buildings and resources.

## **Policies of External Research Funding Agencies**

Where a research funding agency has its own policy for dealing with and reporting possible misconduct in research and the University of Auckland has elected to adopt that policy, the procedures outlined in that policy must be followed. For example, the US Department of Health and Human Services (HHS) is such an agency which has its own policy relating to misconduct in research that is supported by the US Public Health Service (PHS), applications for PHS research support, or research records relating to PHS research support. The University of Auckland elected to adopt provisions in the HHS Code of Federal Regulations (CFR). In April 1999 the University adopted the provisions in 42 CFR Part 50 Subpart A (Responsibility of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science) and in September 2008 the University elected to adopt the provisions of the PHS Policies on Research Misconduct 42 CFR Part 50 and 93; Final Rule. A full copy of the PHS Policies on Research Misconduct 42 CFR Part 50 and 93; Final Rule is available at [http://www.ori.dhhs.gov/documents/42\\_cfr\\_parts\\_50\\_and\\_93\\_2005.pdf](http://www.ori.dhhs.gov/documents/42_cfr_parts_50_and_93_2005.pdf)

Where the circumstances mean that the PHS Policies on Research Misconduct 42 CFR Part 50 and 93; Final Rule, ("the PHS Final Rule") or any other adopted policy are to apply, the procedures and processes set out in University of Auckland policies are intended to be superseded by the specific procedures and processes in the PHS Final Rule or adopted policy. Where there is conflict with any applicable general parts of any University of Auckland policies, the PHS Final Rule or adopted policy processes and procedures are to be read into and applied to such parts so as to support the intention and objectives of the PHS Final Rule or adopted policy.

There are specific obligations in the PHS's Final Rule relating to:

- A requirement to commence and complete investigations within set timeframes in the PHS Final Rule
- Recording, transcribing, disclosing and correcting interviews
- Notification of the US Office of Research Integrity (ORI) Director, and reporting at various stages to, and cooperating with, the ORI
- Taking reasonable steps to obtain custody of the research records and to inventory them, and to sequester them in a secure manner
- Application of selection criteria for those conducting the inquiry or investigation
- Appeals
- Retention of records of proceedings
- Interim protective actions including protective court orders, and suspension of the research, and notifying the ORI of the same
- Cooperation and compliance with ORI/HHS administrative actions, and
- Restoration of reputations of complainants/respondents.

No preliminary assessment or investigation where the PHS Final Rule or any other adopted external policy applies should be commenced unless or until the specific requirements have been assessed and appropriate procedures determined. A breach of the standards where appropriate and applicable in the PHS Final Rule or any other

adopted policy will be a breach of this policy with all the consequences of such a breach as if under this policy, including possible disciplinary action.

## **5. AUDIENCE**

Academic and Professional staff of The University of Auckland.

Non University staff, such as honorary, emeritus or visiting academics who are undertaking research at the University.

Individual with legitimate concerns related to alleged misconduct in research by University of Auckland staff.

Note that policy and procedures related to student misconduct are in the Student Academic Conduct Statute. If an employee is both a staff member and a student, then the case will first be considered under this policy, and the processes in and provisions of this policy will be applied. The case will then be considered under the Student Academic Conduct Statute, and the processes in and provisions of that Statute will be applied.

## **6. RELATED PROCEDURES/DOCUMENTS**

Code of Conduct for Research

Discipline Procedures for Academic Staff

Discipline Procedures for professional staff (e.g. relevant parts of professional staff employment agreements and the Policy on Discipline Procedures for professional staff).

Student Academic Conduct Statute

## **7. DOCUMENT MANAGEMENT AND CONTROL**

Prepared by: Office of the Deputy Vice-Chancellor (Research)

Owned by: Vice-Chancellor

Approved by: Staff Advisory Committee

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