

## CODE OF RESPONSIBLE RESEARCH CONDUCT

<b>Section</b>	Research and Enterprise
<b>Contact</b>	Office of AVC Research, Academic and Enterprise
<b>Last Review</b>	May 2015
<b>Next Review</b>	May 2018
<b>Approval</b>	Academic Board AB15/072

### Part 1: Code of Responsible Research Conduct

#### Purpose and Background:

The perception of Massey University's research by national and international stakeholders including academic peers, government, industry and our communities is dependent on the integrity of the research. To ensure that research at Massey is performed to appropriate, internationally recognised standards, it is important that the principles behind research integrity, the standards expected of researchers, and the responsibilities of both individuals and the institution, are clearly expressed and understood. While it is recognised that the principles and standards must be interpreted through a discipline specific lens, it is critical that research performed by Massey researchers can stand up to widest peer scrutiny.

Massey University supports researchers in the pursuit of their research interests in accordance with the principles expressed in the Massey University Charter. Massey also endorses the principle of 'academic freedom' in the performance of research, where Academic Freedom is defined as:

*'...the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.'*<sup>1</sup>

Similarly, in following their interests, Massey also recognises the need for researchers to undertake research which challenges disciplinary norms, but expects that it is performed in a responsible manner which is consistent with the principles of research integrity.

The Code of Responsible Research Conduct is intended to express these principles, standards and responsibilities and to provide supportive, helpful guidance on what constitutes internationally accepted responsible research conduct. The Code has been developed with reference to, and draws explicitly on, the equivalent Codes for Australia<sup>2</sup>, Europe<sup>3</sup>, Canada<sup>4</sup> and Singapore<sup>5</sup>.

<sup>1</sup> Recommendation concerning the Status of Higher-Education Teaching Personnel, UNESCO, 11 November 1997

[http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>2</sup> Australian Code for the Responsible Conduct of Research

[http://www.nhmrc.gov.au/\\_files\\_nhmrc/publications/attachments/r39.pdf](http://www.nhmrc.gov.au/_files_nhmrc/publications/attachments/r39.pdf)

<sup>3</sup> A European Code of Conduct for Research Integrity

[http://static.uni-graz.at/fileadmin/forschen/dokumente/diverses/A\\_European\\_Code\\_of\\_Conduct\\_for\\_Research\\_Integrity.pdf](http://static.uni-graz.at/fileadmin/forschen/dokumente/diverses/A_European_Code_of_Conduct_for_Research_Integrity.pdf)

<sup>4</sup> Tri-Agency Framework: Responsible Conduct Of Research

<http://www.rcr.ethics.gc.ca/eng/policy-politique/framework-cadre/>

<sup>5</sup> Singapore Statement on Research Integrity

<http://singaporestatement.org/statement.html>

Massey University promotes integrity in research and expects all Massey researchers to work to the highest ethical and professional standards.

### **Principles of Research Integrity:**

When undertaking research, Massey University researchers are expected to perform to the following principles:

- Honesty in presenting research goals and intentions, in precise and accurate reporting on research methods and procedures, and in conveying valid interpretations and justifiable claims with respect to possible applications of research results.
- Reliability in performing research (meticulous, careful and attentive to detail), and in communication of the results (fair and fully informed reporting).
- Research outcomes must be based on a robust methodology where interpretations and conclusions are founded on relevant information capable of verification and secondary review. Where appropriate to the discipline, the analysis of information must be undertaken in an objective manner. Where the research is not undertaken from an objective viewpoint, as may be appropriate based on the professional standards of a given discipline, this should be clearly apparent.
- Impartiality and independence from commissioning or interested parties, from ideological or political pressure groups, and from economic or financial interests.
- Open communication, in discussing the work with other researchers, in contributing to public knowledge through publication of the findings, in honest communication to the general public. This openness presupposes a proper storage and availability of data, and accessibility for interested colleagues as appropriate and subject to privacy, confidentiality and intellectual property requirements.
- Duty of care for participants in and the subjects of research, be they human beings, animals, the environment or cultural objects. Research on human subjects and animals should always rest on the principles of respect and duty of care.
- Fairness, in providing proper references and giving due attribution to the work of others (where appropriate to the medium) and in treating colleagues with integrity and honesty.
- Responsibility for future generations. The education of young researchers requires high standards for mentorship and supervision.
- Awareness of responsibilities to society in undertaking research.

### **Guidance on Research Integrity**

Guidance on responsible research conduct and performing research with integrity is given in Appendix 1, covering the following areas:

1. Research practice
2. Research supervision
3. Research records and data
4. Dissemination, publication and authorship
5. Peer review
6. Conflict of interest
7. Collaborative research
8. Public communication
9. Research involving identified communities
  - a) Research involving Māori communities
  - b) Research involving Pasifika communities

### **Responsibilities of the Institution**

Massey University has the responsibility to promote and sustain a culture of research integrity through the development and communication of appropriate policies and standards and through the provision of support and suitable infrastructure.

As part of the above, Massey will promote effective mentoring and supervision of researchers and research trainees. This includes advising on research integrity, research ethics, research design and methods, and the responsible conduct of research through these mechanisms and through relevant ethics committees.

Massey also has a responsibility to respond to, investigate and deal appropriately with any allegations of research practices not complying with the standards expressed in this policy, in accordance with the principles for dealing with research misconduct in Part 2 and with the procedures given in Appendix 2.

### **Responsibilities of Researchers:**

It is the responsibility of all researchers to comply with the principles of research integrity as expressed in this policy and with the professional standards of their individual discipline. Researchers must foster and maintain a research environment of intellectual honesty and scholarly rigour.

In addition to following the above Principles, Massey researchers must:

- Manage conflicts of interest so that ambition and personal advantage do not compromise ethical or scholarly considerations;
- Adopt methods appropriate for achieving the aims of each research proposal;
- Follow proper practices for safety and security;
- Cite awards, degrees conferred and research publications accurately, including the status of any publication, such as under review or in press;
- Conform to the policies adopted by their institution and those of bodies funding the research, where relevant.

Researchers also have the responsibility to report to the relevant authorities any knowledge of or suspicion of research practices which are not compliant with the standards expressed in this policy and within relevant related policies.

In addition to the above, researchers have additional responsibilities dependent on their level of experience.

Experienced researchers have a responsibility to assist less experienced researchers, including research students, in developing their understanding of what constitutes working to suitable standards of research integrity in accordance with the standards expressed in this policy and with the international standards of their particular discipline. This may be undertaken through informal discussions, or through more formalised mechanisms such as training, supervision and mentoring. The responsibility for ensuring oversight of the development of the next generation of researchers particularly applies to those staff at Massey in roles with academic leadership and management responsibilities.

All researchers and research students have a responsibility to engage with more experienced colleagues in relation to matters of research integrity and to accept the guidance provided to them to allow them to work within the international standards of their disciplines and to comply with Massey's policies and procedures.

## **Part 2: Research Misconduct**

### **Background:**

Despite the best intentions of most researchers and with an environment supporting research integrity, allegations of deviations from the standards expected from Massey University's researchers will occasionally occur. In cases where such an allegation does occur, Massey will respond to the allegation promptly, in accordance with the principles expressed below and through following the procedures described in Appendix 2. Any outcome reached after an investigation must be appropriate in relation to the severity of the deviation from the standards and such that it ensures that Massey's reputation as a resource for quality, trustworthy research is maintained.

## Categories of Non-Compliant Research Practices

Research practices which are not compliant with the standards expected of Massey researchers can be divided into three categories, as described below:

Note: personal misconduct such as intimidation of students, harassment, discrimination, insensitivity to social or cultural norms in doing research, misuse of funds, etc, is in general not research misconduct and is subject to other Massey policies or generally applicable legal and social penalties.

### a) Questionable Research Practices

This category would generally include inferior research practices, such as bad data management, carelessness in observation and analysis, or poorly conceived research procedures. In general, practices such as these would be referred to a senior colleague or a line manager for remediation.

### b) Breaches of Research Conduct

A Breach of Research Conduct is a minor, often unintentional, deviation from the principles of research integrity and may include (but not exclusively):

- Unintentional errors;
- Addition of non-contributing individuals as authors on publications;
- Minor adjustment or selectivity of data, where not appropriate to the discipline;
- Unacknowledged 'adaptation' of a figure;
- Redundant publications.

The distinction between a Breach of Research Conduct and Research Misconduct is not sharp and will depend upon the experience of the researcher, the impact of the breach and whether the breach has occurred only once or has been repeated. Repeated or continuing Breaches of Research Conduct will constitute Research Misconduct, particularly where these have been the subject of previous counselling or specific direction.

### c) Research Misconduct

Research misconduct is wilful deviation from the principles of research integrity and includes:

- Deliberate fabrication, falsification of research results;
- Destruction of key research records prior to the end of the retention period suggested in the Massey University General Disposal Authority, particularly where the research has been publically disseminated;
- Deliberate plagiarism;
- Intentional omission of contributors as authors;
- Deception in proposing, carrying out or reporting the results of research;
- Failure to declare or manage a serious conflict of interest;
- Failure to follow research proposals as approved by a research ethics committee, particularly where this failure may result in unreasonable risk or harm to humans, animals or the environment;
- Wilful concealment or facilitation of research misconduct by others.

## Principles for Dealing with Breaches of Research Conduct and Research Misconduct

When an allegation of research misconduct arises, investigations should be undertaken under the following principles:

- The person who is the subject of the inquiry must be granted a fair hearing under the legal principle of procedural fairness, also known as 'natural justice';
- The person who is the subject of the inquiry must be presumed innocent until proven guilty;
- To ensure procedural fairness, the allegations of research misconduct must be stated clearly in writing;
- The person facing the allegations has a right to be heard;

- Members of any investigative panel constituted must be free from bias or preconception and must conduct themselves in a manner that demonstrates this;
- The panel should provide its findings, and the reasons for those findings, in writing;
- There should be an avenue for the findings to be appealed;
- The allegation and any investigations must be kept confidential until a final determination of the truth of the allegation has been reached, including any appeal;
- Once a final determination of the truth of the allegation has been made, consideration should be given to the openness and dissemination of the outcome.

## Dealing with Breaches of Research Conduct and Research Misconduct

See Appendix 2 for the procedures for dealing with Questionable Research Practices, Breaches of Research Conduct and Research Misconduct.

People from outside of Massey University may be asked to be part of an investigating panel where this is considered appropriate by the Assistant Vice-Chancellor (Research, Academic and Enterprise) for the case in question.

If the research is supported by external funding sources, the funders should be notified when an allegation of misconduct is evidenced after an initial investigation.

### Definitions:

**Affected Parties** means those parties, including both individuals and organisations, who may be affected by an allegation.

**Allegation of Misconduct in Research (or Allegation)** means an allegation that a researcher has breached the Code of Responsible Research Conduct.

**Code of Responsible Research Conduct** means the code of conduct set out in Part 1 of this document.

**Complainant** means a person who has made an allegation of misconduct in research against a researcher.

**Conflict of Interest** is defined as a situation in which the activities of a staff member outside their employment obligations lead to material benefit to the staff member concerned, either directly or indirectly (eg. through a family member, associated entity, or external agency), to the detriment of the University.

**Data** mean any information generated by research.

**Head of Unit** means the Manager responsible for a School, Department, Institute, Section, or Research Centre within Massey University.

**Investigation** means an investigation of allegations.

**Investigation Report** means a report of the findings of an investigation.

**Breach of Research Conduct** means a minor, often unintentional, breach of the Code of Responsible Research Conduct by a researcher.

**Preliminary Enquiry** means an initial enquiry into an allegation.

**Questionable Research Practices** include inferior research methodologies and personal misconduct related to research.

**RCAC** means the Research Conduct Appeal Committee established in accordance with Paragraph 10.4 of Schedule 1 in Appendix 2 of this document.

**RCIC** means the Research Conduct Investigations Committee established in accordance with Paragraph 8.1 of Schedule 1 in Appendix 2 of this document.

**Report of Preliminary Enquiry** means the report specified in Paragraphs 6.5 and 6.6 of Schedule 1 in Appendix 2 of this document.

**Research and Development (R&D)** is defined according to the OECD Frascati Manual (2002) as "creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications."

**Research Misconduct** means a serious breach of the Code of Responsible Research Conduct by a researcher.

**Researcher** means a staff member or student involved in conducting research.

**Respondent** means a person against whom an allegation has been made.

**Staff or Staff Member** means a person employed by the University under either individual employment contracts or a collective employment contract and includes staff who are also formally enrolled as students at the University.

**Student** means a person who has formally enrolled at the University in any paper listed in the University Calendar and has received a student identity card/number.

**Supervisor** means a staff member who is responsible for the supervision of a researcher undertaking a research project.

**Wilful** means purposeful conduct: an intentional or deliberate act to achieve a purpose without regard to the consequences.

**Wilful misconduct** means purposeful conduct: an intentional or deliberate concealment or facilitation of research misconduct, by yourself or others without justification or excuse, in contravention of Massey's policies.

### **Audience:**

All staff and students undertaking or supervising research.

### **Relevant legislation:**

Protected Disclosures Act 2000

Public Records Act 2005

### **Legal compliance:**

If this policy has obligations for legal compliance these should be listed briefly.

### **Related procedures / documents:**

1. [Intellectual Property Policy](#)
2. [Disclosure of Serious Wrongdoing Policy and Procedures \(Whistleblower\)](#)

3. [Research and Consultancy Contracts Policy](#)
4. [Health and Safety Policy](#)
5. [Conflicts of Commitment and Interest Policy](#)
6. [The Student Contract](#)
7. [Procedure for Dispute Resolution at Massey University](#)
8. [Code of Student Conduct and Procedure for Managing Breaches of Academic Integrity](#)
9. [The Code of Conduct for Research or Teaching involving the Importation or Development of New Organisms Using Recombinant DNA](#)
10. [The Code of Ethical Conduct for the Use of Live Animals for Teaching and Research](#)
11. [The Code of Ethical Conduct for Research, Teaching and Evaluations Involving Human Participants](#)
12. [General Disposal Authority](#)
13. [Kia Mārama: Māori@Massey 2020 Strategy](#)
14. [Growing Pearls of Wisdom: Pasifika@Massey Strategy 2020](#)

### **Document Management Control:**

Prepared by: Dr Michael Millan, Director Research Operations

Approved by: Academic Board AB15/072

Last review: May 2015

Next review: May 2018

## Appendix 1: Guidance on Responsible Research Conduct

### 1. Research Practice

Massey Researchers should follow the established research practices as accepted internationally in their individual discipline. This should include employing appropriate research methods, basing conclusions on critical analysis of the evidence and reporting findings and interpretations fully.

Research design and practice must be considered carefully before the research is undertaken to ensure:

- Results generated are accurate and reliable;
- Respect for human research subjects, including obtaining informed consent;
- Suitable care and respect for animals used in research;
- Minimisation of the number of animals used in research;
- Ethical and other research protocols are followed;
- Compliance with relevant policies and legislation;
- Care for and consideration of the environment;
- Respect for cultural heritage;
- Privacy protection;
- Maintenance of trust (e.g. confidentiality); and
- Delivery of research promised to funding bodies.

### 2. Research Supervision

Effective supervision of the next generation of researchers, including both research students and less experienced staff undertaking research, is critical.

Supervisors should ensure that the role model they provide to less experienced researchers, including research students, is positive and conducive to a research culture of excellence, integrity, professionalism and mutual respect.

Supervision by experienced researchers should include training on research integrity, research ethics, research design and methods, the responsible conduct of research and health and safety. In addition, supervisors should ensure that researchers under their supervision develop the necessary skills to undertake the research for which they are being supervised. The supervisor should guide the professional development of research trainees, including providing guidance in all matters relating to research conduct and overseeing all stages of the research process, including supporting the identification of the research objectives and approach, obtaining ethics and other approvals, obtaining funding, conducting the research and appropriately reporting the research outcomes.

Supervisors should ensure that researchers under their supervision receive appropriate credit for their work.

Supervisors of research students conducting research must comply with the requirements and responsibilities of supervisors as specified by either the Doctoral Research Committee or the College and Academic Unit (whichever is appropriate for the qualification sought by the student).

Supervision workloads should be kept at levels that ensure effective personal interaction between each researcher and their supervisor. For this reason, Heads of Unit will need to limit the numbers any one person may supervise where difficulties are likely to arise.

### 3. Research Records and Data

Retaining research data is important because it may be all that remains of the research work at the end of a project. Researchers should keep clear, accurate records of all research in ways that will allow verification and replication of their work by others.

While it may not be practical to keep all the primary material (such as ore, biological material, questionnaires or recordings), records derived from them (such as assays, test results, transcripts, and laboratory and field notes) must be retained in an accessible form. It is the responsibility of the researcher to determine what records and data should be kept, in-line with any requirements set out in law, funding agreements, publisher's agreements or through disciplinary conventions. At a minimum, researchers should keep detailed records describing the methods used and the results observed, as well as records of any approvals granted as part of the research process.

Unless otherwise defined through policy or funders requirements, research records and data should be retained as defined in [Section 13 of the General Disposal Authority](#). Where the policy or funders requirements indicate shorter retention periods for research records and data, the General Disposal Authority will take precedence. All academic units must have a procedure in place for storage and destruction (once the retention period has elapsed) of research data.

When storing research records and data, consideration should be given to:

- The safety and security of the research records and data;
- The durability of the data storage method (as a general rule, storage of data on computer hard drives is not suitable);
- The privacy and confidentiality requirements for the data;
- Requirements ascribed to the storage of data as part of ethical approvals;
- Methods to ensure locating the data at a later date is simple (e.g. indexing and cataloguing);
- Massey's policies on data storage and retention.

Research data should be made available to peers who wish to repeat or elaborate on the study, subject to requirements for privacy, confidentiality and intellectual property.

#### **4. Dissemination, Publication and Authorship**

Dissemination of research outcomes is an important part of research. While this will ideally involve a peer review process (the form of which may be discipline dependent), all types of dissemination of research outcomes and mediums are intended to be captured in this section.

When publishing the outcomes of their research, Researchers should:

- Disseminate all relevant research findings, including any that run contrary to their research question / topic / hypothesis, in an open, honest and transparent manner;
- Avoid publishing the same material more than needed, i.e. parsimony of publication.
- Ensure where possible that published information is accurate and correctly reported, including correcting any information which is misleading or incorporates errors as soon as possible;
- Take into account any restrictions relating to confidentiality, privacy, intellectual property or culturally sensitive information;
- Cite relevant work from other authors fully and accurately as relevant to the communication media;
- Seek permission before republishing other authors' material;
- Seek to communicate to relevant audiences through multiple channels where possible;
- Disclose and acknowledge all sources of financial and in-kind support;
- Disclose any potential conflicts of interest;
- Provide research participants with an opportunity to access an appropriate summary of the research results.

Researchers should take responsibility for their contributions to all publications, funding applications, reports and other representations of their research. All potential authors of a publication must be included in the published list of authors. Authors named on a publication should:

- Have made a creative and significant intellectual contribution to the research (e.g. through conception and design of the research, execution of research, or analysis and interpretation of research data);
- Given their permission to be named as an author;
- Not be named as an author solely on the basis of being the supervisor of the researcher or student undertaking the research, or the leader of the research group, where a creative and significant contribution has not been made to the research;
- Not be involved solely in writing the publication, unless contributing to critically revising the interpretation.

The work and contribution of all contributors should be acknowledged appropriately, with their permission.

The sequence of authors should be agreed by all authors and may follow national and/or disciplinary codes.

## 5. Peer Review

Peer review is a critical part of the research process, providing an impartial and independent assessment of the quality and novelty of the research by others experienced in the same field or discipline.

Researchers should seek to become involved in peer review where possible. When undertaking peer review, researchers should:

- Provide thorough, accurate, objective, and justifiable assessments in a timely manner;
- Act in confidence and not disclose the content or outcome of any process in which they are involved;
- Declare all conflicts of interest;
- Do not take undue or calculated advantage of knowledge obtained during the peer review process;
- Ensure that they are informed about, and comply with, the criteria to be applied;
- Do not agree to participate in peer review outside their area of expertise;
- Give proper consideration to research that challenges or changes accepted ways of thinking and do not permit personal prejudice to influence the peer review process.

Researchers whose work is undergoing peer review should not seek to inappropriately influence the process or outcomes.

## 6. Conflict of Interest

A conflict of interest exists where there is a divergence between the individual interests of a person and their professional responsibilities such that an independent observer might reasonably conclude that the professional actions of that person are unduly influenced by their own interests.

Researchers should disclose actual or potential conflicts of interest, including financial and other personal, professional and institutional conflicts of interest that could compromise the trustworthiness of their work in research proposals, publications and public communications as well as in all review activities.

All actual or potential conflicts of interest must be handled in accordance with Massey's [Conflicts of Commitment and Interest Policy](#).

## 7. Collaborative Research

In collaborative research projects between Massey and other institutions, an agreement should be reached on the expected standards of conduct and management of the research in accordance with this policy. The agreement will include the procedure for dealing with any suspected deviations from the agreed standards.

This agreement preferably should be in writing (it must be in writing if externally funded) and will cover intellectual property, confidentiality and copyright issues; sharing commercial returns (where relevant); responsibility for ethics

and safety clearances; and reporting to appropriate agencies, where required. It should address the protocols to be followed by the partners when disseminating the research outcomes, and the management of primary research materials and research data.

The agreement may take various forms, including a legal contract signed by the relevant authorised personnel, an exchange of emails and/or letters, or a research management plan signed by all parties.

## 8. Public Communication

Researchers should limit professional comments to their area of recognized expertise when engaged in public discussions about the application and importance of research findings and clearly distinguish professional comments from opinions based on personal views.

Researchers should also make clear where their views are individual viewpoints and where, if relevant, they speak on behalf of Massey University.

Researchers in need of further guidance in this area should contact External Relations.

## 9. Research Involving Identified Communities

When conducting research with minority communities, researchers should:

- Clearly identify and illustrate how the research findings could be relevant and useful for the communities. The research findings should be made available to the communities participating in the research.
- Undertake research in a culturally-appropriate manner. This includes observing cultural protocols and norms and the ability for the participant to respond in their own language.
- Utilise research methodologies that are appropriate and relevant to the communities.
- Ensure that the research is not detrimental to the communities.
- Underpinning the research should be the values of respect, humility and reciprocity.

### a) Research with Māori communities

Massey University has a Treaty of Waitangi policy. Massey promotes the three principles of the Treaty of Waitangi as articulated by the Royal Commission on Social Policy (1988): partnership, protection, and participation. For more information please see Section Two: Treaty of Waitangi in Code of Ethical Conduct for Research, Teaching and Evaluations Involving Human Participants.

Massey University supports the "[KIA MARAMA: Maori@Massey 2020 Strategy](#)". Theme Three of the strategy "*He Puna Matauranga: Platforms for Translational Research and Scholarship*" identifies two relevant themes for Researchers to be familiar with; *Platform One - Translational Research* requires Researchers to bridge the gap between research outcomes and objectives and their application to real life situations (relevant to the aspirations of Māori) incorporating research designs and methodologies that will be of value to communities while still satisfying scientific requirements; and *Platform Three – Integrated Research Programmes* places emphasis upon interdisciplinary research projects and programmes as well as broadening the scope of current Māori research endeavor.

### b) Research with Pasifika communities

Massey University supports the "[Growing Pearls of Wisdom: Pasifika@Massey Strategy 2020](#)". Strategic Goal 2: Research and Policy, outlines the research goals for Pasifika at Massey University. Within Research and Scholarship, the strategy states that Massey University will "Provide quality support enabling Pasifika Researchers to undertake Pasifika research" and "Enable non-Pasifika Researchers to undertake Pasifika research".

## Appendix 2:

### Schedule 1: Procedures for Dealing with Minor Breaches and Research Misconduct

#### 1. Informal Resolution Procedures

- 1.1. Wherever possible, before a formal allegation of research misconduct is made, attempts should be made to resolve the issues at a local level. This will be most appropriate when the issues are of a relatively minor nature or involve personal grievances. The issues should be dealt with at the following levels (in escalating order) where possible, before a formal allegation is made.
  - a) Between the staff and / or students involved.
  - b) By the Head of Unit (or delegate) if the issue cannot be resolved directly or is of a more serious nature.
- 1.2. Questionable Research Practices and Breaches of Research Conduct should, wherever possible, be dealt with at a local level, including by referral of the issue to the Head of Unit or senior academic colleague, or through other policies and processes where personal misconduct is involved.

#### 2. Formal Allegations

- 2.1. Where resolution through informal procedures is not possible, a formal allegation of research misconduct may be made. Allegations may originate from individuals or groups either inside or outside the University.
- 2.2. All allegations must be made in writing to the Assistant Vice-Chancellor (Research, Academic and Enterprise). Other staff members receiving such allegations must pass them to the Assistant Vice-Chancellor (Research, Academic and Enterprise).
- 2.3. Written allegations must include:
  - a) The name(s) and contact details of the person making the allegation;
  - b) The name(s) of the respondent(s);
  - c) The nature and full details of the allegation; and
  - d) Documented evidence in support of the allegation, where possible.

#### 3. Protection of Affected Parties during the Preliminary Enquiry and Investigation

- 3.1. When an allegation is made, the Assistant Vice-Chancellor (Research, Academic and Enterprise) should endeavour to assess the risk to, and protect the interests of, all affected parties.
- 3.2. Affected parties may include:
  - a) The complainant;
  - b) The respondent;
  - c) Researchers collaborating with the respondent;
  - d) Publishers by whom manuscripts impacted by the allegation have been or are about to be published;
  - e) Funding bodies who have contributed to the research in question;
  - f) The University; and
  - g) Members of the public.
- 3.3. If the complainant is disclosing information about serious wrongdoing, the disclosure may be protected under Massey's [Protected Disclosure Policy](#) (staff member) or the Protected Disclosures Act 2000 (non-staff member).

- 3.4. The University should provide all necessary protection to the complainant(s) during the course of the preliminary enquiry and investigation to ensure that they are not the subject of victimisation or undue pressure in relation to the allegation.
- 3.5. If the respondent is a member of the University and is the subject of an allegation, the Vice-Chancellor may, at the time that the substance of the allegation is conveyed to the respondent, and on the recommendation of the Assistant Vice-Chancellor (Research, Academic and Enterprise), suspend the respondent from duty (with pay, if applicable) or from enrolment and exclude him or her from the University. This shall occur only in situations in which the Vice-Chancellor is satisfied that continued presence of the respondent at the University may lead to criminal, unsafe or malicious behaviour prejudicial to the well-being of other University personnel or to resolution of the problem.
- 3.6. A researcher who is suspended and excluded from the University shall be permitted reasonable access to the University in order to prepare his or her response to the allegation and to collect books, papers and other personal property.
- 3.7. If an allegation is dismissed, any respondent who has been suspended or excluded from the University under Paragraph 1.3 of this Schedule shall be reinstated with an unblemished record.
- 3.8. If an allegation is substantiated, the position of researchers supervised by or working with the respondent must be clarified. In some cases it may be necessary to provide assistance or compensation to those affected by the misconduct of others.
- 3.9. If the allegation is related to external funding, where the funding body has its own policies for dealing with Research Misconduct, Schedule 2 will apply.

#### **4. Confidentiality**

- 4.1. Confidentiality must be protected to the maximum extent possible during the preliminary enquiry and the investigation. Only such information relating to the allegation as is strictly necessary to conduct the preliminary enquiry and the investigation may be disclosed by the University or any staff Member or student. During the preliminary enquiry, confidential information may only be disclosed with the permission of the Assistant Vice-Chancellor (Research, Academic and Enterprise). Confidential information may only be disclosed with the permission of the Research Conduct Investigations Committee (RCIC) during the investigation.
- 4.2. When determining whether confidential information should be released to any person, the Assistant Vice-Chancellor (Research, Academic and Enterprise) or the RCIC, as the case may be, should take into account the following points:
  - a) The preliminary enquiry and investigation shall be conducted expeditiously and, as far as possible, confidentiality shall be maintained;
  - b) If the respondent is in receipt of a grant from an external funding body which is related to the allegation and the matter passes to the stage of investigation, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall advise the appropriate officer of that funding body, in confidence, that a case is being formally investigated on the understanding that the funding body will not terminate the grant until the outcome of the Investigation is known. If the respondent is subsequently exonerated, then the Assistant Vice-Chancellor (Research) shall advise the funding body accordingly;
  - c) There may, in some circumstances, be reason to inform the publishers of a manuscript that the authenticity of a manuscript or manuscripts is in doubt;

#### **5. Researchers holding grants from an external research funding agency**

- 5.1. If an allegation relates to an application for, or research funded by, an external research funding agency with its own policy for dealing with and reporting possible misconduct in research, then Schedule 2 of this document applies.

## 6. Preliminary Enquiry

- 6.1. In the case of students, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall follow the [Procedure of Managing Breaches of Academic Integrity](#). (Note that Paragraphs 3.1 – 3.4, 5.1 and 11.2(c-e) of these procedures and these paragraphs only continue to apply to allegations or complaints of research misconduct relating to students).
- 6.2. In the case of staff, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall:
- Immediately notify the respondent in writing that an Allegation has been made and that a preliminary enquiry will be conducted. The written notification should include: the nature and detail of the allegation; the procedures to be followed; and the name of the complainant, unless the complainant is protected under the [Protected Disclosure Policy](#) or the Protected Disclosures Act 2000. The notification should also include an invitation to submit a written response to the allegation;
  - Conduct a preliminary enquiry. The preliminary enquiry will gather evidence, including through interviews or other communication with the complainant, the respondent and other interested or affected parties (e.g. Heads of Department). Interviews and other evidence should be documented as part of the record of the investigation;
  - Examine the evidence provided in support or rebuttal of the allegation, taking precautions against real or perceived conflicts of interest on the part of those involved in the preliminary enquiry;
  - Seek the assistance of such technical experts as is required to complete the preliminary enquiry;
  - Decide whether a prima facie case exists in relation to the allegation so as to warrant an Investigation.
- 6.3. Both the complainant and the respondent shall have the right to seek independent advice and to be represented by any person they choose during the preliminary enquiry.
- 6.4. The preliminary enquiry shall be concluded as quickly as possible and shall be completed within 60 calendar days of its initiation unless, in the opinion of the Assistant Vice-Chancellor (Research, Academic and Enterprise), circumstances clearly warrant a longer period of investigation. This period includes conducting the inquiry and preparing a draft report.
- 6.5. At the conclusion of the preliminary enquiry, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall prepare a written report that:
- States all relevant evidence that was reviewed;
  - Summarises relevant interviews with affected Persons;
  - Sets out reasons for exceeding the 60-day period, if relevant; and
  - Sets out the conclusion of the preliminary enquiry.
- 6.6. The respondent shall be given a copy of the draft report of preliminary enquiry and shall be given 21 days to comment. If the respondent chooses to comment on the report, those comments shall be incorporated into the report. The complainant shall be given 14 days to respond, in writing, to those comments. If the complainant chooses to comment on the report those comments shall be incorporated into the report. Once all comments have been incorporated, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall finalise the report of preliminary enquiry.
- 6.7. A preliminary enquiry should not proceed to an Investigation if:
- The allegation is found in the preliminary enquiry to lack substance;
  - The allegation can be resolved by mediation or other means; or
  - The respondent admits the allegation:
- in which case, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall advise the complainant and the respondent, in writing, of the outcome of the preliminary enquiry.

- 6.8. In the event that the respondent admits the allegation, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall pass to the Vice-Chancellor all material pertaining to the preliminary enquiry. The Vice-Chancellor shall then determine what disciplinary action, if any, will be applied in accordance with Paragraph 11 of this Schedule.
- 6.9. If the preliminary enquiry finds that a prima facie case exists in relation to the allegation and that the matter cannot be resolved by mediation or other means, and the respondent does not accept the allegation, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall recommend to the Vice-Chancellor that the matter pass to an investigation.
- 6.10. The University shall retain all documentation relating to the preliminary enquiry for at least six years in a safe and secure location.

## **7. Frivolous, Vexatious or Malicious Allegations**

- 7.1. If the Assistant Vice-Chancellor (Research, Academic and Enterprise) finds that an allegation has been made in a frivolous, vexatious or malicious manner, or is an abuse of process, he or she shall report this finding to the Vice-Chancellor who will notify the complainant of this conclusion.
- 7.2. The complainant shall be given reasonable opportunity to dispute or refute a finding that an allegation has been made in a frivolous, vexatious or malicious manner, and has recourse by appeal to a Research Conduct Appeal Committee (RCAC).
- 7.3. If the RCAC determines in favour of the complainant against the finding that the allegation was frivolous, vexatious or malicious, or an abuse of process, this conclusion shall be conveyed to the Vice-Chancellor. The RCAC may, if appropriate, direct the Vice-Chancellor to reinstate the investigation of the respondent.
- 7.4. If the RCAC finds that an allegation has been made in a frivolous, vexatious or malicious manner or was an abuse of process, this finding will be reported to the Vice-Chancellor.
- 7.5. If the complainant is a member of the University, the Vice-Chancellor will determine the appropriate disciplinary action in accordance with Paragraph 11 of this Schedule. If the complaint originates from outside the University, the Vice-Chancellor will consider what action, if any, should be taken in respect of the allegation.

## **8. Investigation**

- 8.1. The investigation shall be conducted by a Research Conduct Investigations Committee (RCIC), created for each investigation, which shall comprise the following members appointed by the Vice-Chancellor. These members shall normally be:
  - a) A Chairperson appointed by the Vice-Chancellor;
  - b) A member of the Doctoral Research Committee;
  - c) A member of the University Research Committee; and
  - d) Up to two persons proposed by the Chairperson on the basis of their having skills relevant to the investigation.
- 8.2. The Vice-Chancellor shall appoint a secretariat to service the RCIC.
- 8.3. The Vice-Chancellor shall take precautions against real or perceived conflicts of interest on the part of those involved in the investigation and shall ensure that those involved are able to act impartially. The Vice-Chancellor shall notify the complainant and respondent of the composition of the RCIC and both parties shall have the right to make written comment on the composition of the RCIC within 14 days of receiving the notice. The Vice-Chancellor shall consider any written comment and make a decision as to whether to maintain the RCIC or to change the membership.
- 8.4. The RCIC shall conduct an investigation of the allegation, considering all evidence provided by the complainant, the respondent and other affected parties. Such evidence may include (but not necessarily be limited to):

- a) Documentation (e.g. Research proposals, Data, publications and correspondence);
  - b) Records or transcripts of meetings or telephone conversations;
  - c) Interviews (or transcripts of interviews) with any affected persons; and
  - d) Any evidence collected during the preliminary enquiry.
- 8.5. The complainant, respondent and other affected parties shall be interviewed and shall have the right to be represented at the interview. Complete summaries of these interviews shall be prepared by the RCIC, and shall be provided to the interviewed party for comment and included as part of the file relating to the Investigation.
- 8.6. The investigation should be concluded as quickly as possible, ordinarily within 120 calendar days of its initiation. This includes conducting the investigation and preparing a draft investigation report.
- 8.7. A draft investigation report shall be prepared by the RCIC and provided to the respondent who shall be given 21 days in which to provide written comments. Those comments shall be included as part of the investigation report.
- 8.8. The complainant(s) should be given the portions of the draft investigation report which address his/ her/their role and opinions in the investigation and be given 14 days to provide written comments. Those comments shall be included as part of the investigation report.
- 8.9. Once all comments have been received, the RCIC shall finalise the investigation report.

## **9. Outcome of the investigation**

- 9.1. The RCIC shall report its findings to the Vice-Chancellor, who shall provide copies of the investigation report to both the complainant and the respondent.
- 9.2. If the RCIC finds that the allegation is not proven beyond reasonable doubt, the respondent and complainant shall be informed by the Vice-Chancellor in writing that no further action will be taken. This shall be recorded on the file of the respondent, with agreement by the respondent as to the content of this record (where possible).
- 9.3. If the RCIC finds that the allegation is proven beyond reasonable doubt, the Vice-Chancellor shall inform the respondent and complainant in writing and give the Respondent 21 days in which to lodge an appeal pursuant to Paragraph 10 of this Schedule.
- 9.4. If the RCIC finds that the allegation has been made in a frivolous, vexatious or malicious manner, or is an abuse of the process, it shall report this finding to the Vice-Chancellor who will convey this conclusion to the complainant. The provisions of Paragraphs 6.2 to 6.5 of this Schedule shall then apply.

## **10. Right of Appeal**

- 10.1. If the respondent wishes to contest the findings of the RCIC, he or she may lodge an application for appeal within 21 days with the Vice-Chancellor, requesting a review of the Investigation process by a RCAC.
- 10.2. An application for appeal under Paragraph 10.1 of this Schedule shall state in detail the grounds for the appeal which must relate to alleged shortcomings in the procedures used during the investigation.
- 10.3. The RCAC should hear appeals as soon as possible after an appeal has been lodged, preferably within 60 days.
- 10.4. The RCAC shall be made up of three persons, including:
- a) A nominee of the Vice-Chancellor (but excluding members of the RCIC which conducted the Investigation of the Allegation in question);
  - b) A nominee of the President of the local branch of an appropriate registered union (e.g. TEU); and
  - c) A senior member of the legal profession or a person with appropriate experience as Chairperson, appointed by agreement between the Vice-Chancellor and the President of the local branch of an appropriate registered union (e.g. TEU).

- 10.5. The RCAC shall have access to all persons and documents relevant to the investigation and shall rule on whether University policies and procedures were adhered to in the conduct of the Investigation and whether the outcome of the Investigation was consistent with the evidence available to the RCIC.
- 10.6. If the respondent appeals to the RCAC, the respondent and complainant shall have the right to be heard by the RCAC and are entitled to legal representation.
- 10.7. Appeal to the RCAC is the final step in the internal investigative process within the University. This does not, however, preclude affected persons from pursuing judicial review or other remedies outside the University.
- 10.8. If an appeal to the RCAC by a respondent is successful, the respondent and complainant shall be informed by the Vice-Chancellor in writing that no further action will be taken. This shall be recorded on the file of the respondent, with agreement by the respondent as to the content of this record (where possible).
- 10.9. If the RCAC finds that an allegation has been made in a frivolous, vexatious or malicious manner, or is an abuse of the process, it shall report this finding to the Vice-Chancellor who will convey this conclusion to the complainant. The provisions of Paragraph 7 of this Schedule shall then apply.
- 10.10. If an appeal to the RCAC is not successful, the investigation report will stand, subject to any changes or amendments made to the report by the RCAC.

## **11. Disciplinary outcomes**

- 11.1. These may apply if:
  - a) The respondent admits the allegation(s) at the preliminary enquiry or investigation;
  - b) The RCIC finds and reports to the Vice-Chancellor that the allegation is upheld and the respondent does not appeal against this finding; or
  - c) The respondent loses an appeal to the RCAC following an Investigation.
- 11.2. Any of the outcomes of 11.1 being the case:
  - a) The Vice-Chancellor shall determine the appropriate disciplinary action, if any, under the provisions of the current contract of employment of the respondent;
  - b) If the respondent is not a staff member of the University, the Vice-Chancellor shall consider and may adopt such measures as are necessary and available within the law to protect the reputation of the University;
  - c) If the allegation is related to research funded by a grant from an external funding body, the Assistant Vice-Chancellor (Research, Academic and Enterprise) shall advise the appropriate officer of that funding body, in confidence:
    - i. That an allegation against the respondent was formally investigated by the University and found to be proven; and
    - ii. Whether the researcher is able to continue as a researcher and under what conditions; and
  - d) The Assistant Vice-Chancellor (Research, Academic and Enterprise) shall notify all affected publishers that that an allegation against the respondent was formally investigated by the University and found to be proven.
  - e) If doubt has been cast on the validity of one or more manuscripts produced by the respondent, it may be necessary to investigate the person's past research as well as that covered by the allegations.
- 11.3. If an allegation is found to have been frivolous, vexatious or malicious, or an abuse of process, the Vice-Chancellor shall:
  - a) If the complainant is a member of the University, determine the appropriate disciplinary action to be taken against the complainant under the provisions of the appropriate contract of employment or the student disciplinary regulations; or
  - b) If the complainant is not a member of the University and the respondent wishes to take legal proceedings against the complainant for defamation or other cause of action, determine whether it is appropriate in the

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circumstances for the University to make a contribution to the respondent's legal costs and the extent of that contribution.

## **Schedule 2: Procedures for dealing with Allegations related to an application for, or research funded by, an external research funding agency with its own policy for dealing with and reporting possible misconduct in research**

### **1. Process for dealing with Research Misconduct Allegations**

- 1.1. If the allegation relates to an application for, or research funded by, an external research funding agency with its own policy for dealing with and reporting possible misconduct in research, Massey University may choose to adopt that policy as a framework under which the research misconduct inquiry will be completed.

For example, the US Department of Health and Human Services (HHS) has a policy relating to misconduct in research. This policy is supported by the US Public Health Service (PHS), which has mechanisms for applying for PHS research support and procedures in relation to the research. See the link below for a full copy of the PHS Policies on Research Misconduct 42 CFR Part 50 and 93; Final Rule at: [http://www.ori.dhhs.gov/sites/default/files/42\\_cfr\\_parts\\_50\\_and\\_93\\_2005.pdf](http://www.ori.dhhs.gov/sites/default/files/42_cfr_parts_50_and_93_2005.pdf)

- 1.2. If Massey University adopts the policy for dealing with and reporting possible misconduct of the external funding body, then the processes described in the relevant sections of Schedule 1 will be superseded by those of the policy involved.
- 1.3. No investigation should begin until the specific requirements of the policy of the external funding body have been considered and suitable procedures agreed on.
- 1.4. An infringement of the standards where applicable in the PHS Final Rule, or any other adopted policy, will be a breach of this policy and may result in disciplinary action.
- 1.5. It will be stated in individual funding contracts that Massey University chooses to adopt the policies of the external funding body, so that all parties are aware.

### **2. Research Misconduct related to applications to and funding from the US Public Health Service**

- 2.1. In the event of conflict with any applicable general parts of any Massey University 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.
- 2.2. Specific requirements in the PHS's Final Rule are summarised below:
- An obligation to start and finish investigations within set timeframes;
  - Recording, transcribing, disclosing and correcting interviews;
  - Reporting to the US Office of Research Integrity (ORI) Director, and notifying at various stages, and cooperating with, the ORI;
  - Responsibility for maintenance and custody of research records and evidence;
  - 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

- j) Restoration of reputations of complainants/respondents.



### **Appendix 3: References**

This policy draws explicitly on and acknowledges with gratitude the following national codes of conduct.

#### **Australia**

Australian Code for the Responsible Conduct of Research

[http://www.nhmrc.gov.au/\\_files\\_nhmrc/publications/attachments/r39.pdf](http://www.nhmrc.gov.au/_files_nhmrc/publications/attachments/r39.pdf)

#### **European**

A European Code of Conduct for Research Integrity

[http://static.uni-](http://static.uni-graz.at/fileadmin/forschen/dokumente/diverses/A_European_Code_of_Conduct_for_Research_Integrity.pdf)

[graz.at/fileadmin/forschen/dokumente/diverses/A\\_European\\_Code\\_of\\_Conduct\\_for\\_Research\\_Integrity.pdf](http://static.uni-graz.at/fileadmin/forschen/dokumente/diverses/A_European_Code_of_Conduct_for_Research_Integrity.pdf)

#### **Canadian**

Tri-Agency Framework: Responsible Conduct Of Research

<http://www.rcr.ethics.gc.ca/eng/policy-politique/framework-cadre/>

#### **Singapore**

Singapore Statement on Research Integrity

<http://singaporestatement.org/statement.html>