

Alleged breaches: Advice to complainants

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Overview

Disputes between colleagues/peers/collaborating researchers are rarely easy for any party and allegations/complaints about a breach of research integrity principles can be stressful for both the complainant and the respondent. The University abides by the national requirements and principles (see below), and is committed to procedural fairness, natural justice and providing appropriate guidance to the complainant and the respondent. This resource sheet provides an introduction for complainants.

National guidelines

The national reference standard for research integrity is the [Australian Code for the Responsible Conduct of Research](#) (2007). Part B of the [Australian Code](#) articulates the research integrity standards and expectations for the handling of alleged breaches and allegations of the more serious research misconduct.

University policy

The University has implemented, and clarified our implementation of, the [Australian Code](#) with the release of the [Griffith University Code for the Responsible Conduct of Research](#).

As per the [Australian Code](#), Griffith University has established policies and arrangements with regards to alleged breaches of the [Griffith Code](#) (and so *inter alia* the [Australian Code](#)).

The *Research Integrity Resource Sheet #11* outlines the University's arrangements, including:

- the expectation that the parties act in good faith and attempt to reach a mutually acceptable resolution;
- the mediation and collegiate resolution at the element and Group level;
- the conduct of University level reviews and the determination of appropriate outcomes;
- the handling of anonymous and confidential allegations;
- frivolous/vexatious/malicious allegations;
- protections for complainants;
- the role of Research Integrity Advisors;
- the definition and processes relating to research misconduct; and
- record keeping.



Web site

www.griffith.edu.au/research/research-support
select 'Research Integrity'

On the site you will find:

A link to the Australian Code

A link to the Griffith Code

The Information Sheet series

Links to animal ethics and welfare resources

Links to human research ethics resources

Other resources

Contacts

Further resources are being developed so check this site regularly

About disputes

Disputes about research integrity matters (listing/order of authors on a research output, acknowledging other contributors, publication ethics, and access to/ownership of data) can sometimes arise even between well intentioned contributors. This is why Griffith University urges researchers to reflect on research integrity matters early in the design of a project and to maintain good communication/integrity with collaborators and other colleagues.

When is a dispute an alleged breach?

An alleged breach is where one researcher, or party, alleges that another researcher has breached a provision/expectation of the [Griffith Code/Australian Code](#) (e.g. that the reported findings is multiple publications without the earlier publication being cited).

Researchers can consult one of the University's Research Integrity Advisers ([RIA](#) - see side bar below for details) or the Office for Research (see OR contacts below) for advice as to whether a dispute appears to relate to a breach.

Allegations relating to a potential breach can be lodged without there necessarily being a dispute (e.g. by a journal editor or by an executive staff member of another institution).

Framing and lodging an allegation

Having determined that a matter relates to a potential breach of the [Griffith Code/Australian Code](#) Griffith University students and staff are encouraged to attempt to reach a mutually agreeable resolution through collegiate discussion with the respondent. If this proves to be impossible (or inappropriate because of the nature of the issue) the complainant should contact the appropriate Dean (Research) for their Group to try to mediate a resolution. In the case of HDR candidates/supervisors the Dean GGRS should also be contacted.

A formal review should only be sought if it has proven impossible to reach a mutually agreeable resolution. In nearly all cases an allegation should be lodge in writing.

When framing an allegation complainants should:

- i) refer to the provision of the [Griffith Code/Australian Code](#) he/she feels has been breached;
- ii) present the details of the apparent breach succinctly, honestly and dispassionately;
- iii) briefly outline what actions have been taken to try and negotiate and mediate a revolution, or why such actions have not been attempted;
- iv) briefly outline whether a RIA has been consulted; and



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Take a positive approach

If you think a situation might be a breach:

- ✓ Don't raise matters that are vexatious, mischievous or frivolous;
- ✓ Consult with a RIA/the Office for Research/GGRS for advice;
- ✓ Ensure you have a clear understanding of which provision/expectation of the Griffith/Australian Code which you believe has been breached;
- ✓ Approach with good faith any attempts to negotiate/mediate a mutually agreeable resolution;
- ✓ If a formal review is sought put your allegations/complaints in writing – ensuring that it is succinct, honest and unemotional;
- ✓ Have a clear idea of the resolution/corrective action you would like to be the result of the process;
- ✓ Respond promptly, in good faith and integrity to any requests from the reviewers;
- ✓ Abide by the principles described by this resource sheet and adhere to the relevant Griffith University policies; and
- ✓ Accept that any review decision has been reached based on: University policy; the available information; and the governance principles of procedural fairness and natural justice.

- v) describe the resolution/outcome he/she would like to see occur.

It is not appropriate or acceptable to allege breaches when it is vexatious, mischievous or frivolous. Making such an allegation may in itself constitute a breach that may be subject to review.

About formal reviews

A formal review of an allegation will generally only be commenced:

- after the parties have made a **good faith attempt to reach a mutually acceptable resolution** or after there has been an unsuccessful attempt at the local level (e.g. Group) to mediate a resolution; or
- there is significant corporate exposure to warrant a more immediate formal review.

The Senior Deputy Vice Chancellor is the University's designated officer for formal reviews.

Typically the formal review process will involve some (but not necessarily all) of the below:

- i) The Office for Research providing an initial advice to the SDVC as to which provisions of the [Griffith Code](#) the allegations relate to;
- ii) The SDVC may consult an independent researcher with regard to standard practice for the discipline/methodology, the seriousness of the allegation and any matters raised by the complainant/respondent;
- iii) The SDVC may consult with the Office of Human Resource Management for advice;
- iv) The SDVC is likely to provide the respondent(s) an initial opportunity to respond to the allegations;
- v) The SDVC might establish a small panel to conduct a review and provide recommendations with regard to the allegations;
- vi) The SDVC may correspond with other stakeholders with regard to the allegations;
- vii) The outcome of the review and related determinations will be communicated to the parties;
- viii) If a breach has occurred an assessment will be made as to whether the matter warrants review as potential research misconduct;
- ix) If it is determined that a matter is only a breach, rather than research misconduct the outcome will be educative and/or focussed on fine-tuning administrative processes (see **Review outcomes** below); and

Griffith University's RIAs

Research Integrity Advisers

Arts, Education and Law

Professor Andrew Brown,
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- x) Normally when a formal review has been conducted the related documentation will be recorded on the respondent's staff or student file. See **Record keeping** below.

Principles and responsibilities

Complainants are expected to act with integrity and good faith with regard to alleged breaches of the [Griffith Code/Australian Code](#), including providing timely, accurate and complete responses to requests for information, commentary/documentation and to other directions.

Generally it is the responsibility of the Chief Investigator of a research project to respond to allegations of breaches of the [Griffith Code/Australian Code](#). Even though the Chief Investigator might delegate some tasks with regard to a response, he/she is responsible for coordinating/verifying/approving the delegated work prior to it being sent on. If an allegation relates to publication ethics/an authorship matter the Executive/Corresponding Author would normally coordinate the response.

In the case of HDR research the primary supervisor must mentor and support the candidate through responding to an allegation. **A candidate should never be left to correspond directly with the Office of the SDVC, Office for Research or other reviewing party.** Generally any material produced by the candidate should be sent via the primary supervisor.

If the matter relates to collaborative work the Chief Investigator or Executive/Corresponding Author is responsible for keeping the collaborators informed about the allegation and matters arising.

Responding to the allegation

In most cases the researchers will be invited to provide a response to the allegation. This response would normally be in the form of a letter/memo.

Review outcomes

Unlike research misconduct (see below) the outcome of a formal review of alleged breach will largely be educative rather than punitive. However, a formal reprimand might be issued, and a note placed in the staff file of the respondent/complainant (see **Recording keeping** below).

Information about the review and its outcomes may be communicated to stakeholders (e.g. other collaborating universities, organisations with governance responsibilities for the sites/participants, any body that is funding the work, or the editors of the relevant output).

The outcome from a formal review will normally be communicated in writing to the respondent and complainant, with details of who to contact for further information, as well as details for appealing the outcome.

OR Contacts

Office for Research

Manager, Research Ethics and Integrity

Rick Williams
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rick.williams@griffith.edu.au

Policy Officer, Human Research Ethics

ext: 58043

Policy Officer, Animal Research Ethics

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Systems and Support Officer

Ext: 54855
research-ethics@griffith.edu.au

Research misconduct

Having determined whether a breach has occurred (see **Review outcomes** above), the SDVC will consider whether the breach appears to constitute research misconduct. Commentary on this may be sought from the complainant and respondent(s), as well as other parties. A separate process is used for the conduct of research misconduct reviews (see RIRS #14 for more about this).

Record keeping

When a formal review is conducted about an alleged breach a copy of the records (e.g. corresponding, provided supporting documentation, details of actions post review) will be placed on the University file of the respondent. This is the case even if the breach is deemed to be a good faith error or unwitting.

If an allegation is deemed to be frivolous, vexatious or mischievous a note about this determination may be placed on the staff or student file (where applicable) of the complainant.

Sources of advice

Researchers are urged to consult the [other resource sheets](#) produced for Griffith University. Researchers with further questions should consult a [RIA](#) (whether in their Group or elsewhere in the University) or the Office for Research.

The University has appointed a network of Advisers (see the side bar on p.3) and separate [RIAs](#) will advise the complainant and the respondent(s) in a case. [RIAs](#) should be considered to be a source of collegiate advice and they have no role in the conduct of reviews. A [RIA](#) can sometimes be a useful reference point for staff/candidates who want advice on whether the disputed matter is a potential breach and can advise on strategies to reach a mutually agreeable resolution.

HDR candidates and supervisors can also contact Griffith Graduate Research School for advice with regard to alleged breaches.

Scope of these guidelines

These guidelines apply to all Griffith University research, regardless of whether the work requires ethical or biosafety clearance, the expertise of the parties, the methodology/design used, the funding for the work and/or the nature of the alleged breach.

