

# Research - Higher Degree Student Misconduct Procedure

## Section 1 - Background and Purpose

- (1) Students undertaking research in any higher degree must conduct research with integrity, according to the standards set out in the [Australian Code for the Responsible Conduct of Research](#), applicable legislation and La Trobe University statutes and policies.
- (2) Supervisors of students undertaking research have a responsibility for ensuring that students receive appropriate guidance and training in research integrity and conduct research responsibly.
- (3) Any suspected breaches of research integrity by a higher degree student undertaking research will be managed under this Procedure which specifies how the Board of Graduate Research applies the provisions in Part 3 of the [Academic Integrity Statute 2015](#). The [Research Misconduct Procedure](#) must be followed in the circumstances outlined in Part A.

## Section 2 - Scope

- (4) This Procedure applies to students undertaking research in any higher degree, including higher degrees by research, and higher degrees examined by a combination of coursework and research.

## Section 3 - Policy Statement

- (5) Refer to [Research Integrity Policy](#).

## Section 4 - Procedures

### Part A - Application

- (6) Allegations of academic misconduct in a coursework component of any higher degree will be managed under the [Student Academic Misconduct Policy](#).
- (7) The Research - Higher Degree Student Misconduct Procedure will be followed for:
- an allegation made against a higher degree student;
  - an allegation made against a higher degree student who is also an academic staff member and the allegation relates to work they are doing as a student.
- (8) The [Research Misconduct Procedure](#) should be followed in the first instance where an allegation is made against a student who is also an academic staff member and the allegation relates to work they are doing as a La Trobe employee.

(9) Where an allegation is made against multiple parties (students and staff), the preliminary investigation will be managed using the [Research Misconduct Procedure](#). If the preliminary assessment identifies any misconduct by a higher degree student, it will be referred to the Board of Graduate Research and the provisions of this procedure will be followed.

## **Part B - Appointment of Academic Misconduct (Research) Officers**

(10) The Pro Vice-Chancellor (Graduate and Global Research), in consultation with Associate Deans (Research and Industry Engagement), will appoint a minimum of four members of the senior academic staff, drawn from the Schools and selected to ensure disciplinary and gender balance, as Academic Misconduct (Research) Officers (Misconduct Officers). It is recommended that Misconduct Officers hold their positions for a minimum term of 12 months.

(11) Misconduct Officers must hear and determine all allegations of academic (research) misconduct that are referred to them according to the [Academic Integrity Statute](#) and this Procedure.

## **Part C - Responsibilities for Promotion of and Training in Research Integrity**

(12) Supervisors, higher degree students, Graduate Research Coordinators and Misconduct Officers have a responsibility to ensure they are fully aware of their responsibilities concerning research integrity, as outlined in the [Australian Code for the Responsible Conduct of Research \(2018\)](#), the National Statement on Ethical Conduct in Human Research (version in force as varied from time to time), the Australian Code for the Care and Use of Animals for Scientific Purposes (version in force as varied from time to time), the [Gene Technology Act](#) and [Regulations](#), the Australian Sanctions, the relevant Biosecurity and Export Control regulations and University statutes, policies and procedures.

(13) The Research Office in collaboration with the Graduate Research School will provide training and resources in research integrity.

(14) Supervisors will ensure that students receive guidance and training in research integrity as outlined in the [Research Integrity Policy](#) and associated Procedures.

(15) Research Integrity Advisors, as outlined in the [Research Misconduct Procedure/Research Integrity Policy](#), can provide informal advice to a staff member or student who is unsure about a research conduct issue and may be considering making an allegation.

## **Part D - Delegation of Responsibilities from Board of Graduate Research (BGR) to Chair, BGR**

(16) The Board of Graduate Research (BGR) has authorised the Chair of the Board to undertake the responsibilities allocated to the BGR in the [Academic Integrity Statute](#), for and on behalf of the BGR.

(17) The Chair will make reports to BGR on student research misconduct as necessary from time to time.

## **Part E - Reporting Suspected Student Research Misconduct**

(18) A supervisor, examiner, or any other person (e.g. Misconduct Panel as outlined in [Research Misconduct Procedure](#)) who has reason to suspect that research misconduct may have been engaged in by a higher degree student must make a confidential report in writing to the Chair (BGR).

(19) Any other person who suspects that a student has engaged in research misconduct may approach a Research Integrity Advisor or the Senior Manager, Ethics Integrity and Biosafety for advice concerning a potential allegation. If

upon receiving that advice that person still suspects research misconduct has occurred, they must make a confidential report in writing to the Chair, BGR.

(20) Reports made should include:

- a. the identity of the student against whom the allegation is being brought;
- b. as much detail as possible in relation to the suspected misconduct; and,
- c. the identity of the informant.

## **Part F - Preliminary Assessment and Referral of Allegations**

(21) Within five working days of receiving it, or as soon as practicable, the Chair, Board of Graduate Research (BGR) will examine any report and make a preliminary assessment as to whether it appears that research misconduct may have occurred.

(22) Where the Chair BGR determines that research misconduct has not occurred or that the allegation has arisen from poor scholarship, the Chair may, in consultation with the candidate's supervisor, direct that the candidate revise the affected work and/or undertake any training that may be required. The informant will be advised of this outcome.

(23) If the Chair BGR determines that it appears research misconduct may have occurred they must refer the matter to a Misconduct Officer.

(24) The Chair BGR must confirm with the Misconduct Officer that they have no conflict of interest in relation to the allegation. If there is a conflict of interest the allegation will be referred to another Misconduct Officer.

(25) The Chair's referral to the Misconduct Officer must be in writing and include as much information in relation to the alleged misconduct as is available.

(26) Where the Chair BGR suspects that a staff member may also be implicated in an allegation, they will approach the Senior Manager, Ethics Integrity and Biosafety (or delegate) and follow the steps outlined in the [Research Misconduct Procedure](#).

(27) Where the Chair determines that the alleged research misconduct may pose any risk to an individual or the University, they will inform the Deputy Vice-Chancellor (Research and Industry Engagement) (DVC(RIE)) as soon as possible. The DVC(RIE) will take any necessary immediate action, pending the outcome of a hearing, to protect any individual or the University.

## **Part G - Notification to a Student**

(28) Within two working days of the referral, or as soon as practicable, the Chair, BGR must notify the student in writing that they suspect misconduct may have occurred and that the allegation has been referred to a Misconduct Officer for hearing and determination.

(29) The notice to the student will include:

- a. a copy of the referral and all accompanying material
- b. a copy of the relevant section of the [Academic Integrity Statute](#), and this procedure, including the Schedule of Penalties
- c. advice that the student may be accompanied by a support person (other than a legal practitioner or person with a law degree) at a hearing.

(30) Where a report contains any personal information relating to third parties, the Chair, BGR will seek advice from

the University Privacy Officer or Legal Services about any requirement to suppress any part of that information.

(31) Where the work that is the subject of the allegation is under examination:

- a. the examination will cease until a determination has been reached
- b. other examiner reports or information in relation to the examination may be withheld at the discretion of the Chair, BGR.

## **Part H - Conduct of a Hearing by a Misconduct Officer**

(32) A Misconduct Officer must hear and determine all allegations of research misconduct that are referred to them.

(33) The Misconduct Officer will advise the student of a date for a hearing, which must be a minimum of 10 working days from the date of the notice from the Misconduct Officer, unless all parties agree to an earlier date.

(34) The Misconduct Officer will convene a Research Misconduct Panel (Misconduct Panel) to support a hearing, and will conduct the hearing according to the provisions in Section 27 of the [Academic Integrity Statute](#) and this Procedure to reach a determination about the alleged research misconduct.

(35) The Misconduct Panel will consist of at least two other senior academics from the School of the student who have no direct association with the student, or any prior involvement with the supervision of the student. A professional staff member will support the arrangements and the note taking for the meeting.

(36) Members of the Misconduct Panel will assist the conduct of the misconduct hearing through, for example, analysis of any related material, being present at the hearing, and being available for consultation as needed. The Misconduct Officer will determine the final finding and penalty according to the provisions outlined in Part I of this Procedure.

(37) Following the hearing the Misconduct Officer will make one of the following determinations in relation to the allegation; that is, the student:

- a. did not engage in research misconduct
- b. was found to demonstrate poor scholarship
- c. did engage in research misconduct

## **Part I - Findings and Penalties**

(38) Within five working days of conducting a hearing, or as soon as practicable, the Misconduct Officer will notify the student in writing of the outcome of the decision, the reasons for it and their right to seek a review. Where appropriate, the Misconduct Officer will invite the student to make a submission on the penalty to be applied.

(39) The Misconduct Officer will send a copy of the decision to the Chair, BGR in every case and the relevant Associate Dean, Learning & Teaching where a higher degree by coursework student is involved.

(40) If the decision is that the student did not engage in research misconduct, the Misconduct Officer will apply no penalty to the student. Where there is a finding of poor scholarship the Misconduct Officer may, in consultation with the candidate's supervisor, recommend that the candidate revise the affected work and/or undertake any training that may be required.

(41) If the finding is that the student did engage in research misconduct, the Misconduct Officer will, following consultation with the relevant person in clause 39 and consideration of any submission on penalty from the student, apply a penalty to the student from the [Schedule of Responses and Penalties for Higher Degree Student Research Misconduct](#).

(42) The application of any penalty will be:

- a. undertaken in consultation with the relevant Associate Dean, Learning & Teaching or Chair, BGR as appropriate
- b. implemented after 20 working days has elapsed from the date of the notice of the decision, or after the outcome of any appeal proceedings.

(43) Where a penalty of suspension or exclusion is applied to an international student, the University is obliged to report the student's change in status to the [Department of Home Affairs \(DHA\)](#). This may lead to cancellation of the student's visa.

(44) Where there is a finding of research misconduct by a higher degree student the Chair, BGR will submit a brief report to the DVC(RIE) or relevant Associate Dean, Learning & Teaching. The DVC(RIE) or Associate Dean, Learning & Teaching may then take any immediate action that may be required beyond the application of the penalty (such as the suspension of a project or report to relevant funding authorities).

## **Part J - Applications for Review**

(45) A student who has been advised of a finding of research misconduct concerning an allegation made against them may, within 20 working days of the notice, apply to the University Appeals Committee (UAC) for a review of the outcome, including any penalty, on any of the following grounds:

- a. the finding, that the alleged research misconduct took place, was flawed;
- b. the Misconduct Officer responsible for the decision did not act in accordance with the requirements of the [Academic Integrity Statute](#) or this procedure when hearing and determining the allegation of research misconduct;
- c. the penalty imposed is too severe.

(46) A student who seeks a review of a finding of research misconduct will:

- a. make the application in writing
- b. specify the grounds on which the review is sought and provide information in support of these grounds.
- c. provide copies of submissions to the Chair, BGR at the same time the submission is made to the UAC. The Chair, BGR will notify other authorities as required.

(47) A student who is not satisfied with the way in which an allegation of research misconduct against them has been handled may also, within 20 working days of the notice of decision, or within 20 working days after the outcome of a review by UAC, lodge a complaint with the Victorian Ombudsman at no cost. Under the [Ombudsman Statute 2009](#), the University Ombudsman cannot conduct mediation or investigation in respect of the UAC decision.

(48) Where a student chooses to lodge a complaint with the Victorian Ombudsman, they must also notify the Chair BGR, who will notify other authorities as required.

(49) Following this period, the University must report any international student's non-enrolment status, where relevant, to [Department of Home Affairs \(DHA\)](#).

## **Part K - Implications of Findings of Student Research Misconduct for Supervisors**

(50) Where an allegation of research misconduct has been made against a higher degree student the Chair, BGR or Associate Dean, Learning & Teaching) may make a recommendation for advice and/or training for members of the student's supervisory team through the relevant Dean.

## Part L - Recording and Reporting of Student Research Misconduct

(51) All records associated with an allegation of research misconduct against a student will be stored in the student's file in the University's content management system.

(52) The Chair, BGR will report the background and outcomes of any misconduct hearings to the BGR at the next scheduled meeting.

(53) The Chair, BGR will make summary reports of research misconduct allegations and findings to the DVC(RIE) on an annual basis.

## Section 5 - Definitions

(54) For the purpose of this Procedure:

- a. Academic Misconduct (Research Officer)/AMRO: a senior academic staff member working in a School who is appointed by the Pro Vice-Chancellor (Graduate and Global Research) under Section 30 of the [Academic Integrity Statute](#) to hear and determine allegations of research misconduct made against higher degree students undertaking research.
- b. Higher degree: a Master's Degree or a Doctoral Degree, whether by coursework or research or a combination of coursework and research.
- c. Research Integrity Advisor: a person (or persons) appointed by the Vice-Chancellor or delegate as an independent advisor who can advise staff, or other persons engaged in research under the auspices of the University or any Controlled Entity who is unsure about a research conduct issue and may be considering whether to make an allegation.

## Status and Details

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