

Comparison of the new (2018) and previous (2007) Code

| Major change in the 2018 Code | Comment |
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| Format and layout. | <ul style="list-style-type: none"> • The 2018 Code does not contain a Part A and Part B. • The 2018 Code has been significantly revised and streamlined to provide clear, practical, relevant and contemporary guidance that can be applied to a range of different research contexts. • The 2018 Code is a six-page principles-based document that sets out eight principles (P1–P8) and 29 responsibilities for institutions (R1–R13) and researchers (R14–R29). • Guidance on the investigation and management of potential breaches of the Code is now provided in the <i>Guide to Managing and Investigating Potential Breaches of the Code</i> (Investigation Guide). • Rather than including detail guidance on specific responsible research practices (e.g. authorship), the 2018 Code will be supported by supplementary guidance. |
| A new definition of 'research misconduct'. | <ul style="list-style-type: none"> • The recommended definition of 'research misconduct' is 'A serious breach of the Code which is also intentional or reckless or negligent' [emphasis added]. • The Investigation Guide provides guidance on using the term research misconduct and factors to consider when determining the 'seriousness' of a breach of the Code. • Use of the term 'research misconduct' is not mandatory. |
| A new consolidated glossary of key terms – some older terms now no longer used or redefined. | <ul style="list-style-type: none"> • Most definitions are consistent with the language used in the 2007 Code. • The terms that have been significantly updated include 'research', 'breach', 'institution' and 'researcher'. |
| Revised principles and responsibilities that are clear and succinct. | <ul style="list-style-type: none"> • The 2018 Code is more explicit about the requirements for research that affects or involves Aboriginal or Torres Strait Islander peoples in both the Principles (P6) and Responsibilities for Researchers sections (R19). • The 2018 Code includes new language on the responsibility to consider the 'consequences and outcomes of research prior to its communication'. • Institutions now have an explicit responsibility to prevent and detect potential breaches of the Code (R9). • Institutions now have a responsibility to support the welfare of all parties involved in an investigation of a potential breach of the Code, including complainants (R12). |
| Updated role for research integrity advisors. | <ul style="list-style-type: none"> • The role of research integrity advisors has been expanded from being involved in advising staff members about whether to make a complaint about research conduct issue to also promoting and fostering responsible research conduct more generally (R6). |

Comparison of the Investigation Guide and Part B of the previous (2007) Code

Key features of the Investigation Guide compared to Part B of the 2007 Code.

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| <p>A new definition of 'research misconduct'</p> | <ul style="list-style-type: none"> • The recommended definition of research misconduct in the Investigation Guide is 'A serious breach of the Code which is also intentional or reckless or negligent' [emphasis added]. • The Investigation Guide primarily uses the term 'breach' and explains that breaches occur on a spectrum. Guidance on factors to consider when determining the seriousness of a breach is provided (Box 1, Section 2.2). • Guidance on when an institution may wish to use the term 'research misconduct' is also provided (Section 2.3). • Use of the term 'research misconduct' is not mandatory. |
| <p>A new consolidated glossary of key terms – some older terms now no longer used or redefined.</p> | <ul style="list-style-type: none"> • Most definitions are consistent with the language used in the 2007 Code and the terms that have been significantly updated are 'research', 'breach', 'institution' and 'researcher' (see above). • The term 'deviation' is no longer used. Neither is the term '<i>prima facie</i>'. • The term 'allegation' is only applied after a preliminary assessment results in the decision to conduct an investigation into a complaint about a potential breach of the Code. |
| <p>The nexus of the Code/Investigation Guide with other institutional processes is better recognised.</p> | <ul style="list-style-type: none"> • The 2007 Code was more prescriptive about the relationship of the Code to other workplace agreements (such as enterprise agreements). • The Investigation Guide states that 'institutions need to consider the legal framework within which they are operating' and that 'processes established in workplace and student disciplinary agreements may prevail' over the Investigation Guide. • Although it is recognised that the model will be adapted and applied in a flexible way to the legal framework of each institution, the Investigation Guide focusses on how all investigations must be procedurally fair and not hinder the timely implementation of corrective actions. |
| <p>Roles of individuals involved in managing potential breaches of the Code have been updated and new roles added (Section 4).</p> | <ul style="list-style-type: none"> • Some of the terms to describe individuals involved in managing and investigating a potential breach of the Code and their roles have been updated (e.g., research integrity advisor, designated officer) and new roles have been added (i.e. research integrity office, review officer). • Table 1 recognises that the roles can be delegated and/or performed by a range of different individuals. |

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| <p>The nature of the preliminary investigation has been revised.</p> | <ul style="list-style-type: none"> • The role of the preliminary assessment is to ‘gather and evaluate facts and information, and assess whether the complaint, if proven, would constitute a breach of the Code’. • The term ‘preliminary assessment’ replaces ‘preliminary investigation’. • The term ‘<i>prima facie</i>’ is no longer used. |
| <p>The nature of the inquiry stage has been revised.</p> | <ul style="list-style-type: none"> • The purpose of a Code investigation is to ‘make findings of fact to allow the Responsible Executive Officer to assess whether a breach of the Code has occurred, the extent of the breach and the recommended actions’. • The term ‘Investigation’ replaces ‘inquiry’. • The important role of external panels is still recognised but the language has been updated to reflect the range of factors to consider when determining the size and composition of the Panel. • Advice for when legal representation or a support person is appropriate is provided. The Guide emphasises that decisions about allowing legal representation should be made on a case-by-case basis (Section 7.5). • Guidance for developing and finalising the draft report in line with the requirements of procedural fairness is provided. |
| <p>Additional guidance is provided on investigating and managing potential breaches of the Code</p> | <ul style="list-style-type: none"> • Section 5.4 provides guidance on engagement with complainant. • Section 7.6.3 discusses the process for managing dissenting views. • Section 8 provides guidance about additional considerations for collaborative research across multiple institutions, corrupt and/or criminal behaviour and safety issues. |
| <p>A new flowchart summarises the key stages of managing and investigating a potential breach of the Code</p> | <ul style="list-style-type: none"> • The flowchart shows the key stages from the initial receipt of a complaint to the preliminary assessment, investigation and outcome. • The flowchart indicates that consideration of the need to inform relevant parties about the potential breach is needed at all stages. |