

MISCONDUCT AND SERIOUS MISCONDUCT

Clause 8.2 of the University of Adelaide Enterprise Agreement 2017-2021 simplifies the misconduct process to reduce delay, adds a contemporary reference to the Australian Code for the Responsible Conduct of Research and clarifies how matters of serious research misconduct integrate into the disciplinary process. This information sheet provides a summary of the changes.

Disciplinary Procedures for Misconduct and Serious Misconduct (Clause 8.2)

Key points:

The clause references clause 2.6 Academic Freedom to reinforce the University's commitment to this important principle.

Area Managers have an option to resolve misconduct (not serious misconduct) without a formal process.

There is a clear pathway for Research Misconduct to be referred under the Enterprise Agreement as a recommendation to terminate employment.

Reordering the clause clarifies the suspension process and makes it clear that a staff member may be suspended at any stage in the process.

Animals have been included in clause 8.2.4.1 b) where a staff member may be suspended *'if the alleged Misconduct/Serious Misconduct is of a nature that recommending termination (clause 8.2.4.1 b)'*

Misconduct

This clause gives the Area Manager an option to resolve misconduct (not serious misconduct) without the formal process, through guidance, counselling, a requirement to undertake development activities, a written warning, mediation or another form of dispute resolution (clause 8.2.5.2).

Shortened timeframes:

In cases of a formal process, a staff member will have 10 working days from the date of receipt of the Area Manager's written notification of the allegations in which to respond.

A staff member has 5 days to respond to the other steps in the process once the misconduct allegations are raised.

Research Misconduct

The clause refers to serious research misconduct as a major or serious contravention of the [Australian Code for the Responsible Conduct of Research](#) (the Code).

In this clause, there is a clear pathway for research misconduct to be referred under the Enterprise Agreement where a staff member has breached the Code such that it warrants termination of employment