

Proposal to establish an Australian Research Integrity Committee (ARIC)

1. Purpose

To propose the establishment of a review system in relation to institutions' processes in response to allegations of research misconduct, to help ensure that institutions investigate such allegations and observe proper process in doing so. This will contribute to both quality assurance and public confidence regarding the integrity of Australia's research effort.

Specifically, the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC) will establish a committee, known as the Australian Research Integrity Committee (ARIC), to:

- Review the process by which a nominated institution has handled an allegation of research misconduct.
- Provide findings and, where relevant, recommendations to the CEO of ARC and/or the CEO of NHMRC.
- Publish de-identified information on its activities at least annually.

The reference document for the ARIC is the NHMRC/ARC/Universities Australia *Australian Code for the Responsible Conduct of Research* (2007) ("the Code"). Appropriate institutional processes on handling allegations of research misconduct are set out in Part B of the Code.

2. Establishment of the Australian Research Integrity Committee (the Committee)

The Committee will be established by the ARC and NHMRC in consultation with their respective Ministers.

The Committee will operate as:

- **ARIC-NHMRC**, established under s39 of the *National Health and Medical Research Council Act 1992*, for the cases described at part 4(a)(i) below.
- **ARIC-ARC**, established under the executive powers of the ARC CEO, for the cases described at part 4(a)(ii) below.

Reporting lines and provision of advice will be directed to the CEO of the relevant agency (according to whether the Committee is operating as ARIC-NHMRC or as ARIC-ARC).

3. Definitions

- "*Research misconduct*" is as defined at p.10.1 of the Code.
- "*Nominated institution*" is an institution whose process in response to an allegation of research misconduct is the subject of an ARIC review application.

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- “*Relevant parties*” include: the person, group or organisation seeking ARIC review; the nominated institution; the researcher(s) allegedly involved in research misconduct; and such other persons, groups or organisations who are identified by the Committee panel as having an interest in a specific review.

4. Terms of reference of the Committee

The Committee will:

- (a) Receive (from persons who have standing in the matter) and consider requests for review of an institutional process related to allegations of research misconduct.
 - Review applicants may request review of the process followed by a nominated institution in response to a specific allegation of research misconduct.
 - Review applications may be made only in relation to:
 - (i) ARIC-NHMRC: Allegations of research misconduct involving any health or medical research conducted at or under the auspices of institutions in receipt of research funding under the *National Health and Medical Research Council Act 1992*.
 - (ii) ARIC-ARC: Allegations of research misconduct involving any research (excluding any health or medical research defined above) conducted at or under the auspices of institutions in receipt of research funding under the *Australian Research Council Act 2001* and/or of funding under any of the research grants specified in the table at section 41-10(1) of the *Higher Education Support Act 2003* at items 7, 8, 10 and 11(b).
- (b) Conduct an independent review of whether the institutional process followed by a nominated institution in the relevant case of alleged research misconduct was conducted in accordance with the processes outlined in Part B of the Code (as amended from time to time) and with institutional policy and procedures.
- (c) Advise the CEO of ARC or the CEO of NHMRC of the outcome of the review, who will, in turn, advise relevant parties of the outcome of the review.
- (d) Where relevant, include in the advice to CEOs and relevant parties recommendations for further action by the ARC, the NHMRC and/or the nominated institution.
- (e) Provide annual, de-identified reports to the CEO of ARC and the CEO of NHMRC on all activities of the Committee. This information may be included in the ARC’s and NHMRC’s Annual Reports.

5. Functions outside the Committee’s terms of reference

The Committee will not enquire into:

- Allegations of research misconduct (as distinct from allegations or complaints about *institutions’ processes in response to* allegations of research misconduct).

- The merits of any findings made by a research inquiry (whether internal or external) at the institutional level.
- Institutional processes involving allegations of misconduct on the part of an employee other than research misconduct, and any sanctions applied to such a matter.
- Institutional decisions regarding sanctions consequent upon a finding of research misconduct.
- Funding agency decisions regarding sanctions consequent upon a finding of research misconduct.
- Institutional processes still underway, unless it is claimed that inaction, delay or mismanagement by the institution mean that credible allegations of research misconduct have not been properly investigated.

Further, the Committee will **not** undertake a review when it has reasonable grounds for believing that the request is frivolous, vexatious or not made in good faith.

6. Who can seek Committee review?

A person, group or organisation whose interests are affected by an institutional decision or process related to an allegation of research misconduct may seek the Committee's review of the process.

Affected persons, groups or organisations include: those who are alleged to have committed research misconduct; professional journals; funding agencies; and the persons, groups or organisations that raised the original allegation of research misconduct.

The Committee may receive and consider requests from other persons, groups or organisations as determined on a case by case basis where the person, group or organisation can establish how their interest has been affected.

7. Grounds for Committee review

Grounds for review will include that the nominated institution's process allegedly:

- involved a breach of natural justice,
- was carried out in an untimely manner that compromised procedural fairness,
- was affected by fraud, or
- deviated from the processes defined in Part B of the Code and/or from the nominated institution's documented processes.

8. Research misconduct provisions in instruments regulating employment conditions

ARIC will at all times respect the legal status of instruments, including collective agreements, regulating employment conditions.

9. Composition of Committee and of Committee panels

The Committee will comprise the following appropriately qualified members:

- the Chair (jointly appointed by the CEO of ARC and the CEO of NHMRC, in consultation with their respective Ministers); and
- no fewer than three other members (appointed by the CEO of ARC and the CEO of NHMRC).

The CEO of the appropriate funding agency will select at least three Committee members in addition to the Chair to constitute a *Committee panel* for each specific review application.

10. Secretariat

Secretariat support will be provided by the relevant funding agency. Representatives of the relevant funding agency will attend Committee meetings to provide administrative support.

11. Organisational support

Subject to legal advice and further consideration, the ARC and NHMRC will provide an assurance of legal protection for Committee members.

12. Committee procedure

A set of Rules of Procedure will be developed for the Committee.