



Australian Research Integrity Committee

Annual Report to the Sector, 2021-22

Foreword

The Australian Research Integrity Committee (ARIC) has been in operation since 2011. This is the second annual report to the research sector on ARIC's activities.

Brief reports of relevant ARIC activities are included in the annual reports of the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC). This report aims to provide the research sector with an overview of all of ARIC's activities for the financial year. It provides data (covering both commissioning agencies) on the volume and nature of reviews ARIC undertakes; outlines the outcomes of ARIC reviews; and points to the key issues raised by the reviews and the implications for institutional processes. By highlighting the most common problems encountered in our reviews we hope that they can be avoided in the future.

Research integrity in Australia is maintained through a system of self-regulation where research institutions take responsibility for ensuring that the research they undertake is conducted in line with the *Australian Code for the Responsible Conduct of Research* (the Code).

Our key research funding bodies, the ARC and NHMRC, oversee research integrity requirements. They jointly established ARIC to review complaints of a lack of procedural fairness or lack of proper process in research integrity investigations.

It is important that the Australian public can have faith in research outcomes and particularly in research conducted with public funds. ARIC seeks to support this objective by ensuring that research integrity complaints within its scope are fairly and thoroughly addressed.

ARIC seeks to work in partnership with the research sector towards the shared aim of ensuring high levels of community confidence in the integrity of Australian research. We thus look for co-operation and support for the role ARIC undertakes. We hope that our confidential reports to research institutions contribute to improved processes for handling research integrity complaints, as well as fair and just outcomes in individual cases.

In that spirit ARIC is always open to feedback on its own activities and processes. We also maintain a register of issues raised in relation to the Code itself, for consideration at the next Code review. If you would like to provide comments or feedback to ARIC or if you have questions in relation to this report, please contact aric@nhmrc.gov.au.

Patricia Kelly
Chair
Australian Research Integrity Committee

Annual Report to the Sector

The Australian Research Integrity Committee (ARIC) was established jointly by the National Health and Medical Research Council (NHMRC) and the Australian Research Council (ARC) in 2011. The information in this report details matters considered by ARIC for both agencies in the financial year 2021-22.

ARIC reviews the processes by which an institution has managed and/or investigated a potential breach of the *Australian Code for the Responsible Conduct of Research* (the Code). At the conclusion of an ARIC review, ARIC provides recommendations to the CEO of the relevant agency who, on the basis of ARIC's advice and any other relevant considerations, responds to the relevant parties, providing recommendations for action, where appropriate.

In instances where institutions' investigation processes are determined not to have met the requirements of the Code or the associated *Guide to Managing and Investigation Potential Breaches of the Code*, 2018 (the Investigation Guide), the requested action may include redoing an investigation, providing additional information to relevant parties or making adjustments to institutional processes for complaints handling or management of potential breaches under the Code, to ensure procedural fairness in future matters. In this way, ARIC contributes to public confidence in the integrity of Australia's research effort.

Members

Member	Appointed	Expiry of current appointment
Ms Patricia Kelly (Chair)	April 2020	March 2023
Ms Julie Hamblin (Deputy Chair)	January 2011	March 2023
Mr Michael Chilcott	May 2017	March 2023
Emeritus Professor Alan Lawson	May 2017	March 2023
Professor Margaret Otlowski	May 2017	March 2023
Emeritus Professor Janice Reid	May 2017	March 2023
Emeritus Professor John Finlay-Jones	April 2020	March 2023

Activities

Financial Year	No. of cases carried forward	No. of new requests received	No. of new requests accepted	No. of new requests not accepted	No. of cases finalised	No. of cases active as at 30 June
2020-21	6	8	5	3	6	5
2021-22	5	10*	6	2	3	7

*Two requests are pending, awaiting the outcome of an institutional investigation or further decision.

Of the 10 new requests for review that ARIC received during 2021-22:

- 6 of these requests were accepted (1 accepted request was later withdrawn by the applicant)
- 2 requests are still under consideration
- 2 requests were not accepted

ARIC also continued 5 reviews that commenced in the previous reporting period. Three of these reviews were finalised in 2021-22.

As at 30 June 2022, 7 reviews are ongoing.

Of the 3 reviews finalised in 2021-2022, the procedural concerns identified by ARIC were:

Procedural concern*	Reviews
The institution failed to provide reasons for its decision/s	0
Issues with communication with complainant and/or respondent	2
Failure to inform complainant of appeal avenues	1
Not all the concerns raised by the complainant were addressed	2
Poor record keeping by the institution	0
The institution took an unreasonably long time to conduct its preliminary assessment and/or investigation	1
The institution did not have clearly documented and publicly available procedures on how complaints about potential breaches of the Code are received and managed	1
The institution did not follow its own policies or procedures when reviewing the complaint	0
Failed to offer applicant procedural fairness	0
The preliminary assessment/investigation lacked rigour and/or structure	1
No procedural concerns identified	0

*NB: single reviews can have multiple procedural concerns

Recommendations made by ARIC in the 3 matters concluded during 2021-22 include the following:

ARIC recommendation*	Reviews
The institution redo its preliminary assessment and/or investigation	1
The institution engage an independent panel to reassess its preliminary assessment and/or investigation	1
The institution improve its processes for managing and investigating potential breaches of the Code	1
The institution improve its record keeping processes	0
The institution improve its communication with the complainant and/or respondent	0
The institution provide more information to the complainant and/or respondent about its reasons for the preliminary assessment and/or investigation outcomes	1
The institution review its processes to ensure preliminary assessments and/or investigations are conducted in a timely manner	0
The institution provide information about appeal options when communicating the outcome of the preliminary assessments and/or investigations to the complainant and/or respondent	1
The institution conducted its preliminary assessments and/or investigation in line with the Code – no recommendations needed.	0

*NB: reviews can have multiple recommendations

Issues and Case Studies

The handling of research integrity complaints can be complex and address difficult matters of judgment. Below are three case studies that exemplify some of the issues that have been highlighted by recent ARIC reviews. Details have been altered to ensure confidentiality of those involved.

Communication

Inadequate communication, with both the complainant and the respondent, is a frequently cited complaint in ARIC reviews. Communication with both complainant and respondent/s at the outset to explain the processes to be undertaken and to assure all parties of a procedurally fair hearing is key to avoiding misguided expectations by either party. Both complainants and respondents need to have their confidentiality preserved and to have the institution's processes, including the assumptions of natural justice and fairness, carefully explained.

ARIC appreciates that managing complaints is onerous and time-consuming for institutions especially if the complainant is pressing for information on progress. It is common to hear that, having made a complaint, the complainant (and sometimes the respondent) will hear nothing for months, leading them to believe that they are being ignored or not taken seriously or starting to doubt the institution's intentions. Having to keep chasing an institution for information on the status of a complaint engenders frustration and undermines confidence in the investigation process.

However, the most common serious flaw seen in ARIC reviews is the failure of the institution to provide reasons for the outcome of an investigation.

Case study – communication

The complainant, Dr Jones, accused their former PhD supervisors of having plagiarised their work. They asserted that the supervisors had taken the results of their research and selectively published the research without reference to them or their right to co-authorship. The investigation was complex and took more than 18 months to finalise as one of the respondents was unavailable for much of the investigation. Further issues arose because one of the investigation panel members was the partner of a close friend and colleague of one of the respondents. This gave rise to perceptions of a potential conflict of interest. Rather than the person stepping down to avoid doubts about the member's independence, the panel sought a legal opinion. This contributed to the length of the investigation and the advice was ambiguous, which led to ongoing comments about the wisdom of the decision not to replace that member of the panel.

The internal investigation panel determined there was no plagiarism. Grevillea University communicated its decision to the complainant in a brief letter with no reasons provided.

Dr Jones sought additional information on the basis for this decision but was advised that due to privacy considerations, particularly to protect the respondents, no further details would or could be provided.

ARIC's findings

ARIC reviewed the matter and advised the relevant CEO that Grevillea University should provide a thorough and well-reasoned explanation of its investigation and outcomes to Dr Jones. Having reviewed the investigation report, it was ARIC's view that the University should also provide the report to Dr Jones redacting relevant parts of the report if necessary.

Procedural fairness requires that a person with a legitimate interest in a case is entitled to be advised of the outcome of the investigation and the reasons for the decisions.

Ideally, this should include:

1. An outline of the issues before the inquiry
2. A summary of the evidence considered
3. The determinations made on that evidence (the facts as established)
4. The reasoning based on the facts, and
5. The conclusion that follows from the evidence and the reasoning.

It is in the interests of all parties, including research funders, the research community and the public that there is evidence of a proper process to give credibility to the outcome of the investigation.

Case study – confidentiality

Correa University received a complaint from Dr Smith alleging that Professor Brown had plagiarised their work.

Dr Smith had previously worked with Professor Brown at the University but was now employed at another institution.

Correa University sent Dr Smith's letter of complaint, in its entirety, to Professor Brown for comment. In doing so, the University revealed Dr Smith as the complainant without their prior knowledge and/or approval that it would be doing so. Professor Brown responded with counter allegations about Dr Smith.

In response to Professor Brown's counter allegations, Correa University expanded the scope of its investigation to include Dr Smith as both complainant and respondent. It asked them to respond to the allegations raised by Professor Brown.

In their response, Dr Smith raised concerns that their identity had been disclosed to Professor Brown as their understanding of the University's complaint's process was that complaints were confidential. They were also concerned that the counter allegations were malicious and had only been possible because their identity had been revealed.

After investigating, Correa University dismissed all allegations against both Dr Smith and Professor Brown.

Dr Smith was not satisfied with how Correa University had handled their complaint and requested an ARIC review. The procedural ground that they raised was that the University had breached confidentiality by providing their name to Professor Brown.

ARIC's findings

When ARIC reviewed how the University had handled this complaint it looked at the following:

1. Confidentiality issues – was it appropriate to provide Dr Smith's complaint in full to Professor Brown?

This request for review raised the issue of the intended scope of the confidentiality provision included in the Investigation Guide and, more broadly how universities should most prudently address confidentiality when managing research integrity complaints.

In the Investigation Guide universities are required to keep complaints confidential, however the Guide does not specify that the identity of a complainant be treated as confidential. The principle regarding confidentiality leaves room for institutional judgement, and ARIC acknowledges there may be circumstances where informing the respondent of the identity of the complainant is necessary.

However, in such circumstances, ARIC believes the prudent course is always for the university to seek the agreement of the complainant before disclosing their identity.

ARIC found that the University should have contacted Dr Smith and outlined the process it intended to follow before it revealed their identity to Professor Brown.

Case study – addressing all allegations

Banksia University received a complaint from Dr Lee alleging that Professor John did not provide appropriate supervision to researchers under their supervision and had falsified data that appeared in a recent journal article.

Banksia University responded that it would conduct a preliminary assessment into Dr Lee's concerns and asked for clarification about whether they had also sent their concern about the article to the journal. Dr Lee confirmed that they had raised the issue simultaneously with Banksia University and the journal.

Three months after submitting their complaint, Dr Lee wrote to the University asking for an update. Banksia University responded stating that the complaint was paused because it was waiting on the journal to finalise its investigation into the complaint regarding falsified data.

Six months later Dr Lee was sent an outcome. Banksia University dismissed the allegations noting that 'the journal found no issues with the article in question and the University has dismissed the supervisor allegation.'

Dr Lee was not satisfied with this response and requested an ARIC review. The procedural ground that they raised was that Banksia University had not investigated all their allegations.

ARIC's findings

When ARIC reviewed how the University had handled this complaint it looked at the following:

1. Did the University address all the allegations raised – did the process align with the Investigation Guide?

In this review ARIC found that the university relied on the finding of the journal rather than investigating the allegation itself. This does not meet the University's responsibility as set out in the Investigation Guide.

A journal review or investigation does not assess whether a breach of the Code occurred. Journals also do not have the same requirements to meet the principles of procedural fairness as a university does (for example, providing complainants with the right to be heard).

ARIC also noted that the journal investigation was to confirm the veracity of the published research paper, not to assess the data supporting the research paper in terms of whether there were any breaches of the Code involved in its production.

ARIC found that while it would be perfectly reasonable for the university to consider the outcome of the journal investigation as part of its preliminary assessment of the complaint, it could not simply rely on the journal investigation for the purposes of assessing the complaint. As the journal was not a signatory to the Code it was the institution's responsibility to assess the complaint and for carrying out its assessment/investigation in a manner consistent with the Investigation Guide.

Key lessons

ARIC's collective experience is that the most common issues observed in its reviews in 2021-22 were:

- Authorship. Institutions need to provide clear guidance on appropriate standards for authorship and authorship dispute resolutions processes.
- Timeliness of managing the process: lack of timeliness can compromise procedural fairness.
- Failure to treat the complainant objectively and with fairness. Some complainants can be seen as difficult to deal with but may still have a valid complaint and all need to be treated with procedural fairness.
- Inadequate communication. Communication, with both complainants and respondents, is important from the time a complaint is lodged to when a complaint process is finalised. Regular communication on the progress of an investigation engenders confidence in the process, as does clear communication of the outcomes of a matter.
- Not complying with the provisions of the Code and Investigation Guide and/or other relevant policies, including institutional research integrity policies.
- Not advising parties to a complaint of their right to request a review, whether within the institution or with appropriate external bodies including, explicitly, ARIC.
- Overlooking or ignoring some of the matters raised in a complaint. If a matter is regarded as out of scope for a research integrity investigation this should be communicated to the complainant and alternative avenues for action suggested where appropriate: this might include recommending that a complainant refer certain matters to another body within, or external to, the institution, or doing so on the complainant's behalf with their consent.
- Management of conflicts of interest. These should be managed conservatively, focussing not just on actual conflicts of interest but also on perceived conflicts. Investigation reports should document declared conflicts and how they are managed.

Outreach activities

During 2021-22, the ARIC Chair undertook the following outreach activities:

- Presented at the Universities Australia's Research Ethics and Integrity Group on 6 October 2021
- Presented at the Responsible Conduct of Research seminar at the Hong Kong University on 15 October 2021
- Presented at the Australasian Research Management Society (ARMS) conference on 3 November 2021
- Spoke with the US Association of Research Integrity Officers on 9 March 2022