

Comments to the Australian Research Council:**Review of the ARC Research Integrity and Research Misconduct Policy*****Contact details:*****Professor Mary T Kelly**

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General Comments

Charles Sturt University (CSU) appreciates the opportunity to provide input into the ARC's Review of the ARC Research Integrity and Research Misconduct Policy.

This draft addresses concerns that were expressed upon release of the policy 12 months ago. The realignment of this policy with the NHMRC policy, and the Code for Responsible Conduct of Research, is commended.

CSU is supportive of the key proposed changes in this draft

- scope of coverage (clause 2.1) – proposed to limit reporting to those matters related to the ARC and funding of ARC projects, and ARC business ;
- reporting periods (clause 4.2) – extended from 30 days to 40 days; and
- consequential actions (7.1) – change of terminology is appropriate.

Following are comments and suggestions to improve the clarity of the document.

Section 2.1 Scope

The policy applies to allegations of research integrity breaches and research misconduct that relate to:

- *any named investigators or associated project personnel on any implicated current or past ARC-funded research;*
- *named investigators on current ARC-funded research projects, regardless of whether the allegation relates to their current ARC funded Projects;*
- *persons who have been named as investigators on ARC Proposals that are under assessment at the time of the allegation, or at any time during a research misconduct investigation, regardless of whether the allegation relates to an ARC funding proposal; and*
- *ARC employees and anyone engaged on ARC business such as, ARC College of Experts members, Selection Advisory Committee members, external assessors and contractors.*

It is noted that 'associated project personnel' are referred to in the first dot point, but not the second or third dot point. It is suggested 'associated project personnel' should be held to the same standard as named investigators, and therefore, included in points two and three.

In respect of the final dot point, it is noted that the University currently holds some of this information, but not in every category. The ARC will need to take responsibility for advising institutions of the names of persons involved in these functions, and the University will need to develop a system for capturing this information appropriately. The process and form of how the ARC is to provide this information should be made explicit.

Section 4.1 Reporting requirements for issues identified by institutions

*Where the matter relates to a person covered by this policy, institutions must inform the ARC **within 10 working days** when:*

- *a research integrity breach or research misconduct is proven (and not contested) without the need for a formal research misconduct inquiry to be established;*
- *a formal, internal or external research misconduct inquiry is instigated;*

- a formal, internal or external research misconduct inquiry has concluded (regardless of whether an allegation is proven or dismissed);
- an institution has suspended funding to an individual or team involved in ARC funded research whilst an assessment or inquiry relating to an alleged research integrity breach or research misconduct is underway.

It is noted that 'and/or' has been removed from the original policy, and in doing so, some ambiguity has entered the paragraph. The following change is recommended to make the actions required more explicit:

*Where the matter relates to a person covered by this policy, institutions must inform the ARC **within 10 working days** when of each of the following events:*

Where a matter directly relates to an ARC-funded research project, institutions must also notify the Administering Organisation if findings of research integrity breaches or research misconduct requiring corrective or disciplinary action have occurred. The Administering Organisation should then notify any other participating organisations, including Partner Organisations, involved in the project.

It is suggested the above statement be clarified by specifying what information can and should be shared between organisations, without breaching the *Privacy Act 1988*.

Section 4.2 Reporting requirements for issues identified by ARC employees and others engaged on ARC business

*The reporting requirements set out in section 4.1 of this policy also apply - institutions must inform the ARC **within 10 working days** when:*

- a research integrity breach or research misconduct is proven (and not contested) without the need for a formal research misconduct inquiry to be established;
- a formal, internal or external research misconduct inquiry is commenced;
- a formal, internal or external research misconduct inquiry has concluded (regardless of whether an allegation is proven or dismissed);
- an institution has suspended funding to an individual or team involved in ARC funded research whilst an assessment or inquiry relating to research integrity or research misconduct is underway.

The wording of the above paragraph is not exactly the same as it appears in section 4.1. The differences, together with the original comment re 4.1, are shown below.

*The reporting requirements set out in section 4.1 of this policy also apply - institutions must inform the ARC **within 10 working days** when of each of the following events:*

- a research integrity breach or research misconduct is proven (and not contested) without the need for a formal research misconduct inquiry to be established;
- a formal, internal or external research misconduct inquiry is ~~commenced~~instigated;
- a formal, internal or external research misconduct inquiry has concluded (regardless of whether an allegation is proven or dismissed);

- *an institution has suspended funding to an individual or team involved in ARC funded research whilst an assessment or inquiry relating to **an alleged** research integrity **breach** or research misconduct is underway.*

The draft policy is silent on whether the ARC or the institution is required to advise the ARC employee, or other person, who reported the alleged breach, of the outcome of the investigation. This is inconsistent with 4.3 as described below.

Section 4.3 Reporting of issues identified by members of the public

The ARC does not investigate allegations of research integrity breaches or research misconduct unless in relation to misuse of funding—this is the role of the relevant research institution.

It is suggested this statement should be incorporated into 2.1 Scope.

Clarification is required on what process is followed by the ARC when there is an allegation of misuse of funding. Do both the ARC and research organisation investigate the allegation? Are the processes described in this policy also to be followed by the ARC?

The ARC will notify the individual that the matter has been referred to the relevant institution. The ARC expects that any allegation referred under this section of the policy will be investigated promptly by the relevant institution, and that the institution will provide sufficient assurance to the individual who raised the issue that the matter has been addressed.

As noted above in comments for Clause 4.2, there is a requirement in 4.3 for the institution to “provide sufficient assurance to the individual who raised the issue that the matter has been addressed”. It is suggested there should be consistency in practice across both clauses regarding advice that the matter has been addressed.

Section 9: Notification form for an allegation of research integrity breach or research misconduct

This form is for:

*Making a complaint or allegation about a **research integrity breach or research misconduct**. For more information on the ARC Research Integrity and Research Misconduct Policy, please see
www.arc.gov.au/general/research_misconduct*

It is unclear who is intended to use this form, and when it is to be used. There is an inconsistency between the heading of this section and the description above of what ‘this form is for’. Similarly, the questions in the form are at times appropriate for an individual making an allegation, and at other times appropriate for an institution lodging a notification in compliance with 4.1, 4.2 or 4.3.

What will occur if an individual lodging the form declines to have the matters raised with the institution where the breach is alleged to have occurred (refer consent)? What will the ARC do with this information in this instance?

It is suggested the purpose of the form, and who should use it, should be made clear.