

# The Australian Guide to investigating and managing potential research breaches: challenges of a new approach

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## Historical context- research integrity regulation

The National Health and Medical Research Council (NHMRC), the Australian Research Council (ARC) and Universities Australia (UA) have established Australian guidelines for RCR and investigation of possible research misconduct:

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|------|---|
| 1990 | NHMRC 'Statement on Scientific Practice'<br>AVCC (UA) 'Guidelines for Responsible Practice in Research and Problems of Research Misconduct' |
| 1997 | Joint NHMRC/AVCC(UA) 'Statement and Guidelines on Research Practice'  |
| 2007 | NHMRC, ARC, UA 'Australian Code for the Responsible Conduct of Research' – the Code   |
| 2017 | NHMRC, ARC, UA 'The Australian Code for the Responsible Conduct of Research' (under revision)   |

# Current Australian Code

- ▶ Part A - RCR practices including:
  - ▶ General principles
  - ▶ Management of research data and primary materials
  - ▶ Supervision of research trainees
  - ▶ Publication and dissemination of research findings
  - ▶ Authorship
  - ▶ Peer review
  - ▶ Conflicts of interests
  - ▶ Collaborative research across institutions

# Current Australian Code

- ▶ Part B – Breaches of the Code, research misconduct and the framework for resolving allegations
  - ▶ Breaches of the code (less serious deviations from the Code) (10.1)
  - ▶ Research Misconduct:
    - ▶ An alleged breach of the Code
    - ▶ Intent and deliberation, recklessness or gross and persistent negligence
    - ▶ Serious consequences (false information on the public record, adverse effects on research participants, animals or the environment (ibid)).

# Review of The Code

The review of the Code was prompted by the further need to develop a strong research integrity framework to:

Accommodate new innovations in research funded by Medical Research Future Fund  
An increase in international collaborative research  
Criticisms that the Code was too prescriptive  
The 'it's time' factor – the 2007 Code was past its 'use by' date



As well as:

An increase in reported incidences of research misconduct and several recent high profile cases in Australia  
Criticisms about the process set out in the current Code for investigating alleged breaches/research misconduct of the Code

# The problem

- ▶ How to improve the current code in Australian and international context
- ▶ Ensure consistency between institutions on what to investigate
- ▶ Ensure consistency of investigations
- ▶ Ensure consistency of outcomes

# Consultation process

- ▶ Extensive national consultation process lead by the NHMRC resulting in:
  - ▶ A stream-lined principles based Code:
    - ▶ High level principles of RCR
    - ▶ Responsibilities of institutions
    - ▶ Responsibilities of researchers
  - ▶ Remove reference to and the definition of Research Misconduct
  - ▶ The Code will be supported by guides to provide advice and requirements for implementation of the Code. The first guide is on investigating and managing potential breaches of the Code.

# The Guide Working Party

- ▶ Broad representation from the research sector on the working group has been ensured in developing the first Guide:
  - ▶ Sandstone Universities (group of 8)
  - ▶ Technology Universities
  - ▶ Rural Universities
  - ▶ Medical Research Institutions
  - ▶ Academic unions
  - ▶ NHMRC, ARC and UA

# Brief for the First Guide

- ▶ Guide to investigating and managing potential breaches of the Australian Code for the Responsible Conduct of Research (draft)
- ▶ Must be flexible and apposite to all research contexts
- ▶ Must provide sufficient information for institutions which did not have developed or sophisticated mechanisms and/or policies for investigating breaches of the Code

# The Guide

- Provides information about all stages of the investigative process:
  - Receipt and management of complaints
  - Preliminary assessment
  - Investigation
- Defines breaches and that these occur on a spectrum. Thus a nuanced response will be required by institutions
- Sets out institutional roles and requirements:
  - Delegations
  - Research Integrity Office
  - A network of Research Integrity Advisors

# The Guide (con't)

- Emphasis on the rules of procedural fairness
- Consideration of the role of the complainant
- Provides advice on managing corrupt or criminal behaviour
- Provides checklists for:
  - Terms of references
  - The investigative process
  - Reporting the findings of an investigation

- ▶ The leadership and imprimatur by the two government funding bodies (NHMRC and ARC) and Universities Australia give the Guide credibility and status
- ▶ Extensive feedback from the Learned Academies and The Australian Research Integrity Committee assisted in the development of the Guide
- ▶ The comprehensive and genuine consultation process will help ensure the effectiveness of a national process for investigating breaches of The Code
- ▶ The challenges include removing the definition of research misconduct from the Guide and concerns remain about the consistency of application across all research institutions

## Outcome and challenges

# Conclusion

- ▶ Developing new and effective resources to support the revised Code is a significant and controversial national challenge.
- ▶ The development of guides will serve as an important reference for researchers, institutions and administrators across all disciplines.
- ▶ Consultation has indicated authorship and data management guides are sought by the research community and they are currently being developed.

**This is a work in progress – stay tuned!**

# Guide Working Party

## Institutional Group Members

- Karolyn White, Macquarie University (Chair)
- Susan O'Brien, University of Queensland (Deputy Chair)
- Jane Jacobs, Queensland University of Technology
- Matthew Gillespie, Monash University
- Leonie Cullen, Baker IDI Medical Research Institute
- Catherine Gangell, Curtin University
- Jeannie Rea, National Tertiary Education Union

## Agency Members

- National Health and Medical Research Council
  - Jillian Barr
  - Belinda Westman
  - Yolanda Shave
- Australian Research Council
  - Kylie Emery
  - Justin Withers
  - Amy Philips
- Universities Australia
  - Liz Eedle

# References

- ▶ <https://www.nhmrc.gov.au/guidelines-publications/r24>
- ▶ Report of the review of research policy and funding arrangements (2016) accessed at <https://docs.education.gov.au/node/38976>
- ▶ [https://consultations.nhmrc.gov.au/public\\_consultations/australian-code](https://consultations.nhmrc.gov.au/public_consultations/australian-code)