NHMRC Policy on Misconduct related to NHMRC Funding¹

¹ Updated version of the NHMRC Policy on Actions to be Taken in Response to Research Misconduct Involving NHMRC Funding, 2010
<table>
<thead>
<tr>
<th>Release Date</th>
<th>Title</th>
<th>Revision description</th>
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<tbody>
<tr>
<td>December 2010</td>
<td><em>NHMRC policy on actions to be taken in response to misconduct involving NHMRC funding, 2010</em></td>
<td>New document</td>
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<tr>
<td>October 2015</td>
<td><em>NHMRC policy on misconduct related to NHMRC funding</em></td>
<td>Updates to the 2010 document to align with the 2015 Funding Agreement</td>
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</tbody>
</table>
1. Introduction and scope of policy

The National Health and Medical Research Council (NHMRC) expects the highest levels of research conduct and integrity to be observed in the research that it funds. Institutions that administer NHMRC funding are bound by a Funding Agreement and through this agreement by the requirements of The Australian Code for the Responsible Conduct of Research (2007) (the Code).

Under the terms of Funding Agreements between NHMRC and Administering Institutions, when breaches of the Code occur which also meet the criteria for research misconduct as defined by Part B of the Code, NHMRC may take action in relation to the Administering Institution or the researcher. These may include the recovery of research funding from an institution or restricting the eligibility of a researcher to apply for an NHMRC grant for a specified time period.

This policy provides the framework by which NHMRC will consider what action should be taken in the event of research misconduct. This policy should be read in conjunction with the NHMRC Complaints policy (http://www.nhmrc.gov.au/contact/complaint.htm).

2. General policy

Research misconduct may involve an individual, such as an NHMRC funded researcher, a research team or an institution. NHMRC will evaluate the misconduct and its consequences in order to determine the appropriate action to be taken. NHMRC will then take appropriate action against researchers or institutions upon a finding that research misconduct has occurred.

NHMRC encourages institutions to put in place mechanisms for ensuring that the requirements of Part A of the Code are met both by individuals and institutions.

3. Responsibilities of Administering Institutions and researchers

Administering Institutions have a responsibility to ensure that the requirements of Part A of the Code are met. Administering Institutions bear primary responsibility for the prevention, detection, investigation and reporting of research misconduct.

Institutions must notify the NHMRC of:

- the outcomes of preliminary investigations undertaken in accordance with the Code where a breach of the Code and/or a prima facie case of research misconduct is found;
- the outcome of any research misconduct inquiries undertaken in accordance with the Code;
- a finding of research misconduct or breach of the Code that is proven without the need for a preliminary investigation or a research misconduct inquiry, such as where there is an admission of research misconduct, or compelling and uncontested evidence.

Institutions must notify NHMRC within 10 business days of the completion of the preliminary investigation, the completion of the research misconduct inquiry, or the acceptance of a finding of research misconduct where there is no need for an inquiry or an investigation.
In addition, Institutions must immediately notify NHMRC of allegations of research misconduct before the completion of the preliminary investigation if:

- an institution has suspended funding to an individual or team involved in NHMRC funded research before the completion of the preliminary investigation; and/or
- the allegations suggest an immediate high risk to human, animal or environmental safety.

Administering Institutions should maintain and effectively communicate to their staff appropriate policies and procedures relating to handling allegations of research misconduct.

The primary responsibility of researchers is to conduct research with integrity and in accordance with the Code. Researchers or institutions that become aware of potential research misconduct are expected to follow the processes outlined in Part B of the Code.

4. Responsibilities of NHMRC

NHMRC can be made aware of potential cases of research misconduct either through notification by the institution, allegations made by third parties or reporting by NHMRC peer review panels.

5. Responding to findings of research misconduct

The action NHMRC may take in response to a notification of a prima facie case of research misconduct or a finding of research misconduct will vary. NHMRC may take precautionary action pending the resolution of a research misconduct investigation and consequential action when research misconduct is proven. An assessment of the potential risk of the alleged misconduct or the actual consequences of the research misconduct, in addition to any actions already taken by the institution, will be considered before NHMRC takes any action.

5.1 Criteria for determining appropriate actions

In determining whether precautionary action is appropriate NHMRC will consider whether there is a serious risk to human, animal or environmental safety or a reputational or financial risk to NHMRC. The type of action will be dependent on the risk posed.

In determining appropriate actions to be applied to instances of proven research misconduct, NHMRC will consider factors contributing to the seriousness of the research misconduct such as:

- Whether there has been a history of research misconduct
- To what extent the research misconduct was intentional, reckless or negligent
- Whether the research misconduct was self-reported or brought to the attention of NHMRC by other means
- What action has already been taken by the institution.

Once NHMRC has determined the appropriate action, the office of NHMRC will make a recommendation to the CEO of NHMRC or delegate.
5.2 **Types of actions considered by NHMRC in response to research misconduct**

In response to proven research misconduct, and on the basis of information as outlined in 5.1, NHMRC may act in one or more of the following ways:

- Apply additional conditions to existing grants
- Restrict or suspend participation in NHMRC peer review committees
- Restrict consideration of applications for future NHMRC funding (up to 5 years)
- Provide information to other funding bodies or stakeholders subject to privacy legislation
- Suspend, terminate or recover funding.

The action taken and the reasons for the action will be provided to the Administering Institution in writing.

6. **Appeals process**

An affected individual or institution may appeal to the CEO of NHMRC within 30 calendar days of receiving a letter in relation to an action. If, after 30 calendar days, no appeal is received, the decision becomes a final administrative decision.

The CEO of NHMRC may appoint an independent person or panel to review an appeal and make any recommendation. Notwithstanding the appointment of an individual person or panel, the CEO will inform the appellant of the appeal outcome within 60 days of receiving the appeal.

7. **Relationship of this policy to processes used by the Australian Research Integrity Committee (ARIC)**

The ARIC was established in December 2010 by the CEOs of NHMRC and the Australian Research Council (ARC). The ARIC will investigate complaints made in relation to processes used by NHMRC- or ARC-funded institutions to investigate allegations of research misconduct. Any actions taken by NHMRC under this Policy, are distinct from the processes considered by the ARIC and are not reviewable by ARIC.
8. Questions related to this Policy

If you have any questions about this policy please contact the NHMRC Ethics and Governance Section:

Email: integrity@nhmrc.gov.au.

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