NHMRC POLICY ON

ACTIONS TO BE TAKEN
IN RESPONSE TO RESEARCH
MISCONDUCT INVOLVING NHMRC
FUNDING

December 2010
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 or impose sanctions on the Administering Institution or on 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

The institution has 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. 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 self-reporting by the institution, allegations made by 3rd parties, reporting by NHMRC peer-review panels or during monitoring of Administering Institutions carried out by NHMRC.
NHMRC will consider any allegations of research misconduct as outlined in Appendix A. In the event that criminal activity is suspected, NHMRC will inform appropriate legal authorities.

5. **Responding to findings of research misconduct**

The action taken or level of sanctions imposed by NHMRC in response to a particular instance of research misconduct will vary in relation to the consequences of the research misconduct. An assessment the consequences of the research misconduct, in addition to any actions already taken by the institution, will be considered before NHMRC takes any action or imposes any sanction.

5.1 **Criteria for determining appropriate actions**

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 his delegate.

5.2 **Types of Sanctions 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 application for future NHMRC funding (up to 5 years)
- Provide information to other funding bodies or stakeholders
- 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 days of receiving a letter in relation to an imposed sanction or action. If 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 sanctions imposed 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 Program Assurance Section.

Address for Correspondence: Program Assurance Section
NHMRC
GPO Box 1421
CANBERRA ACT 2601

E-mail address: PA.info@nhmrc.gov.au

Telephone number: 02 6217 9050
ALLEGATIONS OF RESEARCH MISCONDUCT INVOLVING NHMRC FUNDING

**Self-reported by Institution, ethics committee or researcher**

1. Acknowledge self-reporting
2. Provide advice to rectify or address problem
3. Require institutions to inform NHMRC of investigation findings
4. If allegations are proven NHMRC will consider applicable sanction

**Allegation by third party**

1. Refer allegation to Institution
2. Provide advice on appropriate processes under the Code
3. Require institutions to inform NHMRC of investigation findings
4. If allegations are proven NHMRC will consider applicable sanction

**Identified by NHMRC or peer review panel**

1. Refer evidence or allegation to Institution
2. Require institutions to inform NHMRC of investigation findings
3. If allegations are proven NHMRC will consider applicable sanction

**Possible sanctions NHMRC may impose in relation to research misconduct**

- Apply additional conditions to existing grants
- Restrict or suspend participation in NHMRC peer review committees
- Restrict applications for NHMRC funding (up to 5 years)
- Suspend any existing grants
- Suspend, terminate or recover funding