



Australian Government

National Health and Medical Research Council

NHMRC Research Integrity Fact Sheet Three

Misconduct related to NHMRC funding: precautionary and consequential actions

This document describes the type of precautionary and consequential actions that can be taken under the [NHMRC policy on misconduct related to NHMRC funding](#). It provides additional information to Institutions about actions that NHMRC may take under the policy, and should be read in conjunction with the policy.

Precautionary actions

Precautionary action refers to any temporary action initiated by NHMRC to manage any risks, at any time prior to the conclusion of a misconduct matter (e.g. while an investigation into an allegation of research misconduct is ongoing). Types of precautionary action that NHMRC may take are described below.

Limitations on, or suspension from, participation in NHMRC peer review

NHMRC may prevent, suspend or remove a researcher from participation in peer review, or limit participation.

This form of precautionary action is at NHMRC's discretion. Due to the tight timeframes associated with NHMRC's peer review process, NHMRC will not routinely consult Institutions on precautionary action related to peer review but any decisions to take action will be communicated to the relevant Institution.

A decision to suspend or limit a researcher's involvement in NHMRC peer review does not represent a judgement by NHMRC about the seriousness or veracity of the misconduct allegation. It is an action taken by NHMRC to ensure the quality of, and maintenance of confidence in, NHMRC's peer review processes by applicants, other peer reviewers and the public.

Limitations on, or suspension from, participation in other NHMRC activities (e.g. other committees)

A decision to suspend a researcher from a current NHMRC activity will be at the discretion of the NHMRC Executive Director of Evidence, Advice and Governance Branch, in consultation with any other relevant Executive Directors. The decision will be made with regard to:

- any information provided by the Institution or investigating agency regarding the researcher, and
- the stage of the NHMRC activity process at the time of the decision.

NHMRC will consult the Institution prior to taking this action provided it is practical and reasonable to do so.

Placing conditions on grants

NHMRC may decide that the placing of condition/s on a grant will effectively mitigate any risks identified prior to the resolution of any allegations of misconduct. NHMRC will consult the Institution on the proposed grant condition/s.

Withholding of a grant recommendation

Researchers implicated in research misconduct matters may still lodge grant applications with NHMRC and their application/s will progress through NHMRC's peer review processes without reference to the allegations. In the event the application/s are recommended for funding, any consideration of funding recommendations by Research Committee or Council will take place without reference to the allegations.

However, allegations of misconduct may indicate circumstances where it is not appropriate for a funding decision to be made about the application until all issues are satisfactorily resolved. Consequently, the NHMRC CEO may decide not to make a funding recommendation to the Minister having regard to any information known by NHMRC about the misconduct matter.

As NHMRC does not announce the outcome of its peer review process prior to Ministerial approval of funding, NHMRC will not consult the Institution on a decision to withhold a funding recommendation.

NHMRC will regularly assess the impact of withholding a funding recommendation. As part of this assessment NHMRC may refer the proposed grant to a scientific expert panel to assess the effect of the passage of time on whether the proposed grant is still suitable to be recommended for funding. If, on the advice of the panel, NHMRC decides that the proposed grant is no longer suitable for funding (for example, the research is out of date), the funding recommendation will not be made to the Minister, and the Institution will be advised.

If the allegations are resolved to NHMRC's satisfaction with respect to the application and the applicants, and the proposed grant is still considered suitable for funding despite the passage of time, the funding recommendation will proceed to the Minister as soon as possible.

Temporary suspension of grant payments

Under the NHMRC Funding Agreement, NHMRC may suspend payments to one or more grants until satisfied that resuming payments would be a proper use of Commonwealth resources (including that there is not an immediate risk to human, animal or environmental safety associated with the grant's resumption).

Generally NHMRC will only suspend grant payments if it has decided that the risk to human, animal or environmental safety; Commonwealth resources; or NHMRC's reputation is unable to be adequately addressed by the placing of one or more conditions on the grant. NHMRC will consult with Institutions on the suspension of grant payments.

If payment is suspended for more than a year, NHMRC may refer the grant to a scientific expert panel to assess the impact of the suspension on the grant's suitability for funding. If, on the advice of the panel, NHMRC decides that the grant is no longer suitable for funding (for example, the research is out of date), it may be terminated consistent with the provisions of the NHMRC Funding Agreement.

All researchers on the grant team may continue to cite the grant award and/or the NHMRC title in their curriculum vitae and professional credentials (for example, the title 'NHMRC Research Fellow') while the grant is suspended.

Consequential actions

Consequential action refers to any action initiated by NHMRC in response to a finding of misconduct or, in some circumstances, a finding of a breach of the Code. Types of consequential action that NHMRC may take are described below.

Exclusion from involvement in peer review and other NHMRC activities

NHMRC may decide that a researcher who has been found to have engaged in misconduct should be excluded from participation in some or all NHMRC activities (including NHMRC's peer review processes) for a period of up to five years. The Institution will be informed of any decision to limit, exclude or terminate participation in NHMRC activities and will be consulted on the proposed duration of the limitation or exclusion from NHMRC activities.

Excluding current or future applications from peer review or placing conditions on their consideration

Following a finding of research misconduct, NHMRC may determine that any current applications in which a particular researcher is involved will not be considered in NHMRC's peer review process. NHMRC may also determine that any future applications on which a particular researcher is involved will not be considered in peer review processes for a period of up to five years, or that their consideration during that period will be conditional on the application(s) being reviewed by the researcher's head of department and approved for submission by the relevant Institution's Deputy Vice-Chancellor (Research) or equivalent.

The Institution will be consulted on the duration of the requirement for assurances regarding future applications.

Researcher's applications will not be recommended

NHMRC may decide not to recommend the researcher's application/s to the Minister for funding, regardless of the outcome of any peer review process. This decision has the effect of terminating the application in the event it is recommended for NHMRC funding by a grant review process. This decision does not exclude the researcher from applying for funding from other organisations for which NHMRC conducts peer review.

Placing of conditions on grants

NHMRC may decide that the placing of condition/s on a grant will effectively mitigate any risks remaining upon completion of an investigation into misconduct. Conditions will usually be in place for the duration of the grant.

Termination of grant/s

Cases of misconduct may give rise to circumstances where it is not appropriate for NHMRC to commence or continue making grant payments. This may relate to a specific grant or may cover all or some grants involving a researcher found to have engaged in misconduct.

If a researcher has engaged in misconduct, NHMRC may decide to terminate one or more grants on which the researcher is listed. Where a grant has been terminated, researchers who were listed on the grant are not permitted to cite the NHMRC award in their curriculum vitae or cite the award as a professional credential.

Recovery of grant funds

Where a grant has been terminated, or a completed grant is found to be affected by a finding of misconduct or there is a Probity Event (see [NHMRC Funding Agreement](#) for definition of a Probity Event), NHMRC may decide to recover the expended funds from the Institution. NHMRC will always consult the Institution prior to seeking the recovery of grant funds.