



# Australian Research Integrity Committee

## Annual Report to the Sector, 2022-23

### Foreword

The Australian Research Integrity Committee (ARIC) is a joint committee of the Australian Research Council (ARC) and the National Health and Medical Research Council (NHMRC) which has been in operation since 2011. This annual report is intended to provide the research sector with information on ARIC's activities over the year to end June 2023.

Brief reports of relevant ARIC activities are included in the annual reports of the ARC and NHMRC. This report aims to provide an overview of all of ARIC's activities for the financial year. It provides data (covering both commissioning agencies) on the volume and nature of reviews ARIC undertakes; outlines the outcomes of ARIC reviews; and points to the key issues raised by the reviews and the implications for institutional processes. By highlighting the most common flaws in investigation processes we hope that they can be avoided in the future.

Research integrity in Australia is maintained through a system of self-regulation where research institutions take responsibility for ensuring that the research they undertake is conducted in line with the *Australian Code for the Responsible Conduct of Research* (the Code).

Our key research funding bodies, the ARC and NHMRC, oversee research integrity requirements. They jointly established ARIC to review complaints of a lack of procedural fairness or lack of proper process in research integrity investigations.

It is important that the Australian public can have faith in research outcomes and particularly in research conducted using public funds. ARIC seeks to support this objective by ensuring that research integrity complaints within its scope are fairly and thoroughly addressed.

ARIC seeks to work in partnership with the research sector towards the shared aim of ensuring high levels of community confidence in the integrity of Australian research. We thus look for co-operation and support for the role ARIC undertakes. We hope that our confidential reports to research institutions contribute to improved processes for handling research integrity complaints, as well as fair and just outcomes in individual cases.

In that spirit ARIC is always open to feedback on its own activities and processes. We also maintain a register of issues raised in relation to the Code itself, for consideration at the next Code review. If you would like to provide comments or feedback to ARIC or if you have questions in relation to this report, please contact [aric@nhmrc.gov.au](mailto:aric@nhmrc.gov.au).

Patricia Kelly  
Chair  
Australian Research Integrity Committee

# Annual Report to the Sector

The Australian Research Integrity Committee (ARIC) was established jointly by the National Health and Medical Research Council (NHMRC) and the Australian Research Council (ARC) in 2011. The information in this report details matters considered by ARIC for both agencies in the financial year 2022-23.

ARIC reviews the processes by which an institution has managed and/or investigated a potential breach of the *Australian Code for the Responsible Conduct of Research* (the Code). These reviews can be resource intensive and time-consuming depending on the complexity of the case. The ARIC Framework points out that ARIC reviews can take up to a year to complete and the duration can be longer in some cases. At the conclusion of an ARIC review, ARIC provides recommendations to the CEO of the relevant agency who, on the basis of ARIC's advice and any other relevant considerations, responds to the relevant parties, providing recommendations for action, where appropriate.

In instances where institutions' investigation processes are determined not to have met the requirements of the Code or the associated *Guide to Managing and Investigation Potential Breaches of the Code, 2018* (the Investigation Guide), the requested action may include redoing an investigation, providing additional information to relevant parties or making adjustments to institutional processes for complaints handling or management of potential breaches under the Code, to ensure procedural fairness in future matters. In this way, ARIC contributes to public confidence in the integrity of Australia's research effort.

## Members

| Member  | Appointed    | Expiry of current appointment |
|---|--------------|-------------------------------|
| Ms Patricia Kelly (Chair)                     | April 2020   | March 2024                    |
| Emeritus Professor Alan Lawson (Deputy Chair) | May 2017     | March 2024                    |
| Mr Michael Chilcott                           | May 2017     | March 2024                    |
| Ms Julie Hamblin                              | January 2011 | September 2023                |
| Professor Margaret Otlowski                   | May 2017     | March 2024                    |
| Emeritus Professor Janice Reid                | May 2017     | March 2024                    |
| Emeritus Professor John Finlay-Jones          | April 2020   | March 2024                    |

## Activities

| Financial Year | No. of cases carried forward | No. of new requests received | No. of new requests accepted | No. of new requests not accepted | No. of cases finalised | No. of cases/requests active as at 30 June* |
|----------------|------------------------------|------------------------------|------------------------------|----------------------------------|------------------------|---|
| 2020-21        | 6                            | 8                            | 5                            | 3                                | 6                      | 5   |
| 2021-22        | 5                            | 10                           | 6                            | 2                                | 3                      | 10  |
| 2022-23        | 8                            | 12                           | 5                            | 4                                | 5                      | 11  |

\* This column incorporates the number of all active cases and requests still under consideration for that financial year.

In relation to the 20 ARIC matters active in 2022–23, as of 30 June 2023:

- 5 reviews that commenced prior to 1 July 2022 were finalised and the outcome communicated to the relevant parties
- 4 requests for review were determined to be outside the scope of ARIC
- 3 requests are still under consideration
- 8 reviews are ongoing

Reasons for matters being judged out of scope include applicants seeking review of the merits of a case rather than the process or the complaint focussing on 'human resources issues' (eg breakdown of interpersonal relationships, allegations of bullying or harassment) rather than research integrity issues.

Of the 5 reviews finalised in 2022-2023, the procedural concerns identified by ARIC were:

| Procedural concern*   | Reviews |
|---|---------|
| The institution failed to provide reasons for its decision/s  | 0       |
| Issues with communication with complainant and/or respondent  | 3       |
| Failure to inform complainant of appeal avenues   | 0       |
| Not all the concerns raised by the complainant were addressed   | 1       |
| Poor record keeping by the institution  | 1       |
| The institution took an unreasonably long time to conduct its preliminary assessment and/or investigation   | 3       |
| The institution did not have clearly documented and publicly available procedures on how complaints about potential breaches of the Code are received and managed | 0       |
| The institution did not follow its own policies or procedures when reviewing the complaint  | 1       |
| Failed to offer applicant procedural fairness   | 0       |
| The preliminary assessment/investigation lacked rigour and/or structure   | 0       |
| No procedural concerns identified   | 1       |

\*NB: single reviews can have multiple procedural concerns

Recommendations made by ARIC in the 5 reviews concluded during 2022-23 include the following:

| ARIC recommendation*  | Reviews |
|---|---------|
| The institution redo its preliminary assessment and/or investigation in full or in part   | 2       |
| The institution engage an independent panel to reassess its preliminary assessment and/or investigation   | 0       |
| The institution improve its processes for managing and investigating potential breaches of the Code   | 2       |
| The institution improve its record keeping processes  | 0       |
| The institution improve its communication with the complainant and/or respondent  | 2       |
| The institution provide more information to the complainant and/or respondent about its reasons for the preliminary assessment and/or investigation outcomes                      | 0       |
| The institution review its processes to ensure preliminary assessments and/or investigations are conducted in a timely manner   | 0       |
| The institution provide information about appeal options when communicating the outcome of the preliminary assessments and/or investigations to the complainant and/or respondent | 0       |
| The institution amend relevant policies and/or procedures   | 2       |
| The institution conducted its preliminary assessments and/or investigation in line with the Code – no recommendations needed.   | 1       |

\*NB: reviews can have multiple recommendations

## Case Studies

The handling of research integrity complaints can be complex and address difficult matters of judgment. Below are two case studies that exemplify some of the issues that have been highlighted by ARIC reviews. Details have been altered to ensure confidentiality of those involved.

### Provision of relevant information by institutions

Under the *Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research*, institutions are required to ensure that matters relating to research integrity are "...treated as confidential and not disclosed unless required" (p. 7).

Due to this obligation on the investigating institution, in ARIC's experience, some institutions can be overly cautious in not providing all relevant information requested to inform a review. The consequence of ARIC not being provided copies of all relevant information can mean reviews are unnecessarily extended and the Committee does not have enough information to make accurate and informed conclusions.

The case study below illustrates the difficulties faced when an institution fails to provide all relevant information regarding its investigation to ARIC.

#### The Case

Grevillea University received a complaint from Dr Brown alleging that a colleague, Professor White, had plagiarised Dr Brown's research and published it in a journal article. The university investigated the complaint and determined that no plagiarism had occurred, and the allegation was dismissed.

Throughout the investigation, Grevillea University provided Dr Brown regular updates and opportunities to provide evidence. However, when Grevillea University notified Dr Brown of the outcome it stated that the matter had been dismissed based on independent expert advice. The outcome letter did not provide any further explanation for this finding.

Dr Brown was not satisfied with Grevillea University's handling of the complaint, particularly regarding the lack of transparency around the finding and requested an ARIC review. Dr Brown's key procedural concern was that the University investigation was not transparent as it did not provide sufficient reasons for its decision.

#### ARIC review

Initially, instead of providing all documentation relevant to the investigation as requested, Grevillea University only provided ARIC with a summary of its process and findings, and a letter from an independent expert.

The expert letter was one paragraph long and stated that the expert had found no evidence of plagiarism by Professor White of Dr Brown's material. It did not provide any reasoning for this, nor reference any of the evidence considered as part of the investigation. In Grevillea University's summary to ARIC, it stated that the expert opinion was the key evidence used in reaching the investigation outcome.

ARIC asked Grevillea University further questions regarding the evidence considered by the expert and requested copies of any further information about this, including a copy of the expert report and the full investigation report. Grevillea University provided brief responses to ARIC's questions, noting that due to the expert's in-depth knowledge in the field, the University was satisfied that his analysis was sufficient. It did not provide the requested documents, citing confidentiality obligations to the expert that they had engaged.

Based on the information provided, ARIC drafted its report and concluded that Grevillea University had not appropriately investigated the matter. ARIC found that it was not procedurally sound for the university to rely on the expert opinion which, from the information made available to ARIC, did not include any detail or analysis to underpin its reasoning, as the deciding factor in the dismissal of the complaint.

When the draft ARIC report was provided to Grevillea University for comment, the university refuted ARIC's findings and provided further documents, including the full investigation report, to support its position. The report, when provided, demonstrated how all of the evidence had been assessed, including detail of the analysis conducted by the independent expert. In light of this new information, the ARIC panel reconvened to reassess its initial findings and modify its report.

The process of attempting to obtain additional information from the university, producing a draft report on insufficient evidence and then producing a substantially rewritten report led to a prolonged delay in concluding this review. Ultimately, ARIC concluded that the investigation had been sound, however the university had denied Dr Brown procedural fairness as the outcome and the reasoning for it had not been sufficiently made available to him.

While it is important for institutions to maintain appropriate confidentiality during and after research integrity investigations, it is also important for them to understand ARIC's role and the necessity of providing the Committee with all the information relevant to an investigation. ARIC reviews are themselves a confidential process and institutions are best served by being open and transparent with ARIC in order for it to function effectively and adequately play its role in Australia's research sector. It is also important to note that to remain eligible for funding by the Australian Research Council, it is a requirement that institutions provide information to ARIC when requested, see clause 29<sup>1</sup> of the current Australian Research Council Grant Agreements. NHMRC also requires Administering Institutions to provide information to NHMRC, as NHMRC reasonably requires.

## **Understanding the role of ARIC – applicants**

### **Request for ARIC review**

Requests for ARIC review can only be accepted if they fall within the scope for an ARIC review. That is, ARIC may review the processes by which an institution that is eligible to receive funding from the ARC and/or NHMRC has managed and/or investigated a potential breach of the *Australian Code for the Responsible Conduct of Research* (the Code). In particular, ARIC is concerned with whether the parties to a complaint have been treated with procedural fairness by the investigating institution.

It is not part of ARIC's role to determine whether a breach of the Code occurred. In reviewing a matter, ARIC uses the *Guide to Managing and Investigating Potential Breaches of the Australian Code for the Responsible Conduct of Research* (Investigation Guide) as the benchmark for considering how an institution has managed complaints about potential breaches of the Code.

### **Case study – request for review**

ARIC received an application for review from Dr Wilson, who requested a review of the processes undertaken by Waratah University in handling a complaint about gift authorship and bullying by a colleague.

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<sup>1</sup> You must provide to the Australian Research Integrity Committee (ARIC) upon request, any documentation and information concerning allegations of Your mishandling of the management or investigation of potential breaches of the *Australian Code for the Responsible Conduct of Research* (2018).

In the application to ARIC, Dr Wilson requested that ARIC review the processes Waratah University had used to handle both elements of the complaint, putting the view that because the same colleague was involved in both matters, the alleged bullying and gift authorship were linked. The supporting information submitted with the review was extensive and included documents about both issues. In handling the matter, Waratah University had responded to Dr Wilson's complaints on both issues in the same correspondence and had not clearly delineated the processes for dealing with the research integrity and the workplace bullying allegations.

As part of the request for ARIC review, Dr Wilson sought an apology from the University and a new assessment of the matter to determine the merits of the allegations.

### **Acceptance of request for review**

The request for ARIC review was accepted, as the processes used by Waratah University to review a potential breach of the Code in relation to gift authorship fell within ARIC's remit. At the outset of the review, ARIC informed the applicant that only the procedural matters relating to the research integrity complaint could be considered and that the bullying allegations were beyond ARIC's scope and would need to be addressed directly with the university.

Despite this clarification, the applicant continued to provide ARIC with voluminous additional background documents about the bullying allegation. The ARIC panel and the secretariat were required to review these documents, which were found to be not relevant to the research integrity investigation. Despite further correspondence with the applicant explaining that the additional documents were out of scope for the ARIC review, the applicant continued to write requesting that ARIC make decisions outside of its Framework responsibilities.

It is often the case that a research-related complaint may include elements related to workplace behaviours and/or interpersonal relationships as well as both merits and process issues related to research integrity investigations. ARIC recognises that these issues can be bound together and that the related issues may provide context for research integrity matters.

Applicants however need to be clear that ARIC's remit is restricted to reviewing the investigative and complaints-handling processes of a research integrity complaint. Clearly setting out the alleged procedural shortcomings that form the basis of the review request will assist ARIC and the secretariat to process the application and ARIC panel to conduct the review in an efficient and timely manner. From this perspective it is not helpful when institutions conflate research integrity matters with other, workplace issues in their communications with complainants or in their processes of complaints handling.

## **Key lessons**

ARIC's collective experience is that the most common issues observed in recent reviews were:

- Authorship: Institutions need to provide clear guidance on appropriate standards for authorship and authorship dispute resolutions processes. Authorship agreements, at the point of conceiving and starting on a research paper, are highly desirable.
- Timeliness of managing the process: lack of timeliness for institution investigations can compromise procedural fairness.

- Failure to treat the complainant objectively and with fairness: Some complainants can be seen as difficult to deal with but may still have a valid complaint and all need to be treated with procedural fairness during institution investigations.
- Inadequate communication: Communication by the institution, with both complainants and respondents, is important from the time a complaint is lodged to when a complaint process is finalised. Regular communication on the progress of an investigation engenders confidence in the process, as does clear communication of the outcomes of a matter.
- Failure to provide adequate explanation of the findings of an investigation and the reasons for those findings. ARIC has observed that institutions are sometimes reluctant to give parties that are directly affected by the outcome a copy of the full investigation report, when to do so would give reassurance that the matter has been carefully and thoroughly investigated and make it more likely that parties will accept the outcome.
- Not complying with the provisions of the Code and Investigation Guide and/or other relevant policies, including institutional research integrity policies.
- Institutions not advising parties to a complaint of their right to request a review (whether within the institution or with appropriate external bodies, including explicitly ARIC).
- Failure to give parties that are directly affected an adequate opportunity to respond to allegations during the course of an investigation. Ideally they would be informed in writing of relevant allegations and other matters as the investigation proceeds and given an opportunity to make submissions in relation to them. In many cases, it is appropriate to provide the draft investigation report to the parties for comment before the report is finalised.
- Overlooking or ignoring some of the matters raised in a complaint: If a matter is regarded as out of scope for an institution's research integrity investigation this should be communicated to the complainant and alternative avenues for action suggested where appropriate. This may include recommending that a complainant refer certain matters to another body within, or external to, the institution; or referring the complainant's matters on their behalf (with their consent).
- Management of conflicts of interest: These should focus not just on actual conflicts of interest but also on perceived conflicts. Investigation reports should document declared conflicts and how they are managed.
- It is important for institutions to understand that when they engage independent panels or otherwise outsource the investigation of complaints, which is appropriate and not uncommon with smaller institutions, they still are accountable for how the matters are managed.

## **Outreach activities**

During 2022-23, the ARIC Chair undertook the following outreach activities:

- meeting with the Society of University Lawyers
- meeting with the UK Committee on Research Integrity (CORI)

## **ARIC evaluation**

During 2022-23, the ARC and NHMRC engaged KPMG to conduct an independent evaluation of ARIC. The evaluation was tasked with assessing the effectiveness of ARIC in meeting its purpose as outlined in the ARIC Framework. In undertaking the evaluation, KPMG consulted with stakeholders across Australia's research ecosystem, using semi-structured interviews and a survey. The findings of the evaluation are expected to be released in late 2023.