



ARMS' Response to the Review of the Australian Code for the Responsible Conduct of Research – 28 February 2017

About ARMS:

ARMS is the Australasian professional association for research managers and administrators. We have members from universities, independent research institutions, government research and health organisations. Our members span the Australasian geography, from Singapore, New Zealand and Australia.

ARMS is dedicated to the professional development of research managers and administrators, the promotion of the profession of research management; and the enhancement of the research enterprise. We value a strong vibrant sector in the region; high standards of research governance including the protection of integrity and ethics of research; and the profession of research management as integral to the research endeavour.

Overview:

ARMS is confident that the consultative approach by the Code Writing Group and Working Group will influence positively the responsible conduct of research practice in Australia and beyond. The new principles-based approach should enable institutions to develop policies and procedures around a set of common principles depending on their research and governance environments. Ideally, the principles of the Code will be agreed on by all institutions receiving NH&MRC and ARC funding and all universities forming part of Universities Australia. Guidelines accompanying the new Code can then be utilised to promote discussions on arising issues in research integrity in a rapidly evolving environment.

ARMS takes the view that the principles of the new Code should form the core of values of everyone involved in research across all disciplines. As such, the new Code would benefit from a revision of the currently used language towards one that reflects that *best practice* is the norm (moving from 'institutions will' and 'researchers will' to 'institutions do' and 'researchers do') and one that establishes the new Code as a Code of Honour displayed proudly by those involved in research who are also proud to display this Code of Honour to the general community. Thus, while the principles are sound, the writing would benefit from input by a professional writer to include passion beyond pure subject content.

ARMS would like to re-iterate the Society's accredited training in research integrity and ethics for research administrators and managers and the commitment of the Society to update this training according to new developments in Australian research environments.

Section A – Answers to Consultation Questions

Q1: Do you like the new approach to the Code, namely the principles-based document being supported by several guides that provide advice on implementation?

ARMS is confident that the new approach to introduce principles supported by guidelines allows the expression of common values across all research disciplines while enabling broad consultations around guidelines that can be considered by institutions and research disciplines in their unique environments.

Q2: The draft code is intended to be used by all research disciplines. Do the principles adequately capture the expectations for responsible research across all research disciplines?

ARMS agrees that the principles are sufficiently broad and appropriate for researchers across disciplines, not only within Australia but also in international research collaborations and against codes such as the Singapore Statement on Research Integrity and the Montreal Statement on Research Integrity in Cross-Boundary Research Collaborations.

Q3: The draft Guide refers to breaches of the Code rather than providing a definition of research misconduct, and states that institutions can decide whether or not to use the term research misconduct in their own processes. Is this guidance clear and implementable? What issues do you foresee with that approach?

ARMS supports the proposed adoption of the practice to refer to 'breaches of the Code' as opposed to the current distinction between 'breaches' and 'research misconduct'. The new approach recognises that breaches of the Code tend to be unique and difficult to proportion into categories. Rather, those considering breaches of the Code should be enabled to make the determination of a breach or not and assess the level of seriousness, followed by institutional processes to deal with it accordingly.

Q4: Do you think the process described for investigating and managing potential breaches of the Code is clearly described and practical?

ARMS endorses the level at which processes for investigating and managing potential breaches of the Code are described in the Code per se. Detailed processes derived from the requirements of the new Code can be established in institutional policies and procedures.

Q5: The Code Review Committee and working group are considering what additional resources should be developed to support implementation of the code and Guide. Do you think that case studies would assist you to investigate and manage potential breaches of the Code in accordance with the Guide?

ARMS is conscious of the breadth and variety of issues involving research integrity issues. As such, case studies are unlikely to be able to cover the cases coming before those dealing with research integrity issues and allegations and complaints. It would be preferred that an approach of virtual paths of reacting to allegations, such as that by the U.S. Office of Research Integrity, is adapted and implemented in both online and face to face environments. ARMS has for some time hosted research integrity workshops, provides accredited training in this field to fill this niche in Australia and will be happy to contribute to these efforts in the future.

Q6: Are the mechanisms for review of an investigation clearly and correctly described in Section 7.6 of the Guide? If not, where are the inaccuracies?

ARMS supports the broad concept that institutions are responsible for implementing the processes to investigate complaints and allegations of breaches of research conduct. Levels of support to complainants and whistle-blowers are subject to local legislation and as such difficult to formalise across Australia. However, it would be beneficial to clarify the role of the Australian Research Integrity Committee (ARIC) in this context. In addition, and importantly, ARMS suggests to add an early pathway where ethics and compliance committees are able to deal with and, if appropriate, resolve low-level breaches of the Code at their level.

Q7: NHMRC, ARC and UA are considering the development of additional guides to support implementation of the Code. The next two guides will likely focus on authorship and data management. The possible topics for additional guidance are supervision, conflicts of interest, peer review, collaborative research, intellectual property and copyright, the role of research integrity advisors, the role of research integrity offices, strategies to encourage compliance or clinical trials. All of these are currently covered in varying amounts of detail in the current Part A of the code and in other material. Please comment on which *three topics* you would nominate as being the highest priority.

ARMS supports the development of guides to accompany the principles-based Code. Authorship is a topic that leads to significant numbers of complaints and guidance would be helpful. Data management lies at the core of responsible conduct of research and can provide the foundation for good research practices with new frontiers of cloud storage and large data to be addressed. A guide for data management could explicitly distinguish between research record storage and retention and research data storage and retention. Highest priorities for future guides to follow would be 1) conflicts of interest, 2) research supervision, and 3) collaborative research. In general, it should be emphasised that the guides are not policy and that they should be manageable in length.

Section B – Comments on Specific Sections of the Draft Documents

Structure of the Code:

Please refer to 'Overview' above.

Language and Expression of the Code:

Please refer to 'Q1' above.

Principles and Code of Conduct of Responsible Conduct of Research:

Principles may benefit from being written as sentences without dot points and in a manner reflecting current practice (see 'Overview' above). Principles should relate to specific 'Responsibilities' and *vice versa*.

Support for Parties:

The current draft of R12 over-reaches the reasonable expectations provided to all parties. Instead, R12 may read 'Provide reasonable support for all parties involved in an investigation of a potential breach of the Code and ensure that any consequent actions undertaken by the institution are proportionate to the breach'.

Compliance with Relevant Laws, Regulations and Policies:

ARMS agrees that key laws, regulations and policies will not be listed in the new Code, given the complex and fast-changing environment. Instead, institutions should have relevant registers and maintain them up to date. ARMS recommends that Principles and Responsibilities be revised to promote consistency within the Code.

Definition of Research:

ARMS supports the definition of research as consistent with the definition used by 'Excellence in Research Australia'.

Regular Monitoring:

ARMS acknowledges that institutional processes vary significantly in regard to audits and monitoring and that the broad statement in R1 can be explained in Guidelines to reference to monitoring instead.

Respect and Recognition of Aboriginal and Torres Strait Islander Peoples and Communities:

ARMS recommends that the language used in P5 and R15 be revised to be consistent with the language used by the Australian Institute of Aboriginal and Torres Strait Islander Studies.

New Reference to Research Integrity Advisors:

ARMS suggests that the role of Research Integrity Advisors be expanded to include the promotion of responsible research culture and the Code within the institution.

Draft Guide

Breaches of the Code:

Please refer to 'Q3' and 'Q4' above.

Support Person:

ARMS notes that there is strong likelihood that the preferred support persons chosen by respondents will have a legal background as practising solicitors and/or barristers. Page 16 of the Institutional Roles may therefore be re-written to read 'The support person is solely present to provide personal support to the respondent and/or complainant and not to advocate, represent, or speak on the other person's behalf' while removing 'The support person should not be a practising solicitor or barrister'.

Use of the Terms 'Complaint' and 'Allegation':

ARMS welcomes the distinction between and reference to complaints *versus* allegations.

Role of the Designated Officer (DO):

ARMS supports the revised role of the Designated Officer, from the defined role of the Designated Officer in the current Code. ARMS recommends that the Guide be revised to promote that low-level breaches can be dealt with by mechanisms other than through the Designated Officer. For example, inadvertent breaches of ethics protocols with no impact on humans or animals could be dealt with by ethics committees and recorded in breach registers, without needing to involve the Designated Officer in the investigation.

Removal of Advisor in Research Integrity Role:

ARMS notes that the role of the Research Integrity Advisor is retained in the new Code (see above), preferably with a broader role of promoting the responsible conduct of research. As such, the guide should retain reference to the role.

SECTION C – General Comments

ARMS congratulates the Code Review Committee and the Better Practice Guides Working Group in their efforts to revise the earlier draft of the new Code. One significant remaining effort could be to revise the Guide to recognise and promote that low-level breaches can be dealt with early and without the formal pathway involving the Designated Officer. In the current draft there is only one pathway which may not be workable in large institutions with stringent audit mechanisms (thus dealing with many inadvertent breaches), nor is it an effective approach when the aim is to promote good or best practice in research with the buy-in from all parties. Thus, together with the comments raised in 'Overview' above, the remaining challenges could be to 1) amend the Code to ensure that Principles match with Responsibilities, 2) amend the general language of the Code to enshrine a positive language in the like of Honour Codes, and 3) revise the Guide to describe pathways for low-level breaches. ARMS would be happy to contribute to further discussions and consultations on these important documents.

Further Information:

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