



Submission by AHEIA to the Review of the Australian Code for the Responsible Conduct of Research

The Australian Higher Education Industrial Association (AHEIA) is the employer association for the higher education sector registered under the federal *Fair Work (Registered Organisations) Act 2009*, and has 32 member universities. We have vast experience in assisting our member universities in the conduct of misconduct investigations, including investigations dealing wholly or in part with allegations of research misconduct. In doing so we represent our member universities in proceedings before internal misconduct investigation committees, and in proceedings before the Fair Work Commission where the fairness of decisions to terminate employment are tested.

AHEIA is a very strong supporter of the proposed changes to the existing Code, and welcomes the move to a new and shortened principles-based Code, supplemented by a Guide(s) that contain suggested, non-mandatory, recommendations as to the process for dealing with complaints and allegations of research misconduct. As such, we anticipate taking up the invitation to become a signatory to the new Code.

As previously flagged, however, we are of the view that there are still quite a few matters in the draft Guide that need further tidying up. These matters are detailed in the attached *Revisions to the draft Guide proposed by AHEIA*, bearing today's date, which are the result of consultation undertaken by AHEIA with all of its member universities; some of whom are also making separate submissions. Most of the proposed revisions are relatively minor, but there are also a small number of significant substantive changes which are needed (as highlighted in the attached document, which is in both PDF and Word format).

There is also a need for the terms of reference of the Australian Research Integrity Committee (ARIC) to be revised in line with the changes being made to the Code. Currently, when a complaint is made to the ARIC, it is required to conduct an independent review to consider *"whether the institutional process followed by a nominated institution in the relevant case of alleged research misconduct was conducted in accordance with the processes outlined in the Code (as amended from time to time) and with relevant institutional policy and procedures"*. Reference to the Code will not be appropriate if the Code and its related Guide(s) do not contain mandatory processes which are binding on universities or other institutions covered by the Code.

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28 February 2017

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