

University misconduct procedures: implications of proposed Part B of NH&MRC Code

Proposed Part B: framework

- *research misconduct framework “does not address disciplinary issues”*
- *findings of fact & determinations “must then be used within the institution’s separate procedures regulating employment conditions”*

Issues arising

- *“ processes should be progressively incorporated into EBAs”*: **how to amend EBA?**
- *“institutions must have a written policy on research complaints”*: **incorporate into EBA?**
- *“misconduct unrelated to research falls outside the scope of this Code”*: **how to deal with “mixed cases”?**
- *dual process: how to avoid double jeopardy?*

Recent developments



NHMRC:

- *code is “principles not prescriptive”*
- *developing compliance framework*

Universities Australia:

- *endorsed Code with some qualifications/queries*

Group of Eight:

- *established working party (Prof Cram, ANU)*

AHEIA:

- *executive endorsed principles*

Principles for outcomes

- *no “double jeopardy”*
- *new procedures should be no more complex than existing ones*
- *natural justice as prime consideration*
- *investigation should determine **facts only***
- *panel members chosen for **expertise***
- *processes should not be contained in CAs*
- *if no union agreement to above, NHMRC should not enforce these aspects of Code*

Options for discussion

- *“loop out”*: separate procedure for research misconduct
- *adapt EBA provisions to meet NHMRC concerns*
- *keep using current EBA provisions for research misconduct cases*