

A Long Time Coming:

**Changes to the Policy and
Procedures for Handling
Research Misconduct**

Resolution on Integrity in Research

University of Tennessee Board of Trustees

October 2, 2014

- *affirms* the University's commitment to integrity in research and **to fostering a research environment that promotes the responsible conduct of research**, discourages research misconduct, and deals promptly with allegations of research misconduct; and

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- *delegates to the President* the authority to approve the University's research misconduct policy and procedures **after** the campus faculty senates, or their delegates, and other relevant stakeholders have had an opportunity to **review and comment**; and

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- *delegates to the President* the authority to approve the University's research misconduct policy and procedures **after** the campus faculty senates, or their delegates, and other relevant stakeholders have had an opportunity to **review and comment**; and
- *repeals* **the [2005] policy and procedures** on research misconduct effective as of the date established in the research misconduct policy and procedures approved by the President.

Same Process and Protections

Four distinct stages in the process:

1. Assessment of Allegation
2. Inquiry
3. Investigation
4. Administrative Action; Disciplinary Action; and Closure

Familiar Concepts-Added Clarity

Definition of Research Misconduct: The same only narrower and more informative

Research Misconduct means intentional, knowing, or Reckless Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results, which constitutes a significant departure from accepted practices of the relevant Research community. Research Misconduct does not include Honest Error or differences of opinion.

Familiar Concepts-Added Clarity

Research Misconduct meant

fabrication, falsification, plagiarism, *or other serious unethical or illegal deviations from accepted practices* in proposing, conducting, or reporting the results of research and service activities. It does not include honest error or honest difference in interpretations or judgments of data.

[or definition in regulations]

2005 University of Tennessee Policy on Misconduct in Research and Service

Research Misconduct now means

Intentional, Knowing, or Reckless Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results, which constitutes a significant departure from accepted practices of the relevant Research community. Research Misconduct does not include Honest Error or differences of opinion.

42 C.F.R. § 93.103(d).

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Research Misconduct means Intentional, Knowing, or Reckless Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results, which constitutes a significant departure from accepted practices of the relevant Research community. Research Misconduct does not include Honest Error or differences of opinion.

Research Misconduct may include the **destruction, absence of, or Respondent's failure to provide records adequately documenting the Research**, where the institution or granting agency establishes by a Preponderance of evidence that

- (i) the Respondent Intentionally, Knowingly, or Recklessly created or possessed Research Records and destroyed them;
- (ii) had the opportunity to maintain the Research Records but did not do so; or
- (iii) maintained the Research Records and failed to produce them in a timely manner; and that the Respondent's conduct constitutes a significant departure from accepted practices of the relevant Research community.

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- (iii) maintained the Research Records and failed to produce them in a timely manner; and that the Respondent's conduct constitutes a significant departure from accepted practices of the relevant Research community.

Intentional, Knowing, or Reckless failure to comply with the responsibilities of the Principal Investigator (PI) as described in Appendix B, in connection with an act of Fabrication, Falsification, or Plagiarism committed by a person under the PI's direction or control, can constitute Research Misconduct by the PI and the subordinate.

Familiar Concepts-Added Clarity

Appendix A:

Sharing, Retention, and Ownership of Research Records

Big changes to the policy:

- ✓ Compliant with federal regulations
- ✓ Structure and appearance
- ✓ One source for all procedures, SOPs, guidance
- ✓ Level of detail
 - 31 definitions
 - Possible outcomes listed at each stage
 - Common questions and concepts imported from federal agency guidance
 - Checklists for drafting committee reports
 - Flowcharts, Gantt charts, visual clues

Big changes to the policy:

- ✓ Flexibility and detail for appointing an Inquiry committee (1+) or Investigation committee (3+)
- ✓ Key decisions now rest with Chief Research Officer, instead of Chancellor
- ✓ Includes discussion of Administrative Actions and Disciplinary Actions

Regulatory Requirements- Administrative Actions

- ❑ Training in the responsible conduct of research (PI + lab)
- ❑ Cooperation with journals on correction or retraction
- ❑ Internal review of proposals, manuscripts, etc.
(plagiarism detecting software) Note: iThenticate is present in a library near you.
- ❑ Internal monitoring of research processes
- ❑ Reassignment or removal of personnel assigned to the grant
- ❑ Withdrawal or ongoing monitoring of research proposals
- ❑ Restricted approval for submission of funding proposals

Regulatory Requirements- Sequestration

Single most common error by institutions handling research misconduct:

**Failure to sequester evidence
fully and properly.**