

Policy on Integrity in Research and Procedures for Investigating Allegations of Research Misconduct 3364-70-21 (discussion draft)

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THE UNIVERSITY OF
TOLEDO

Proposed Schedule – Next Review Date: October 4, 2021

REVISION OF POLICY

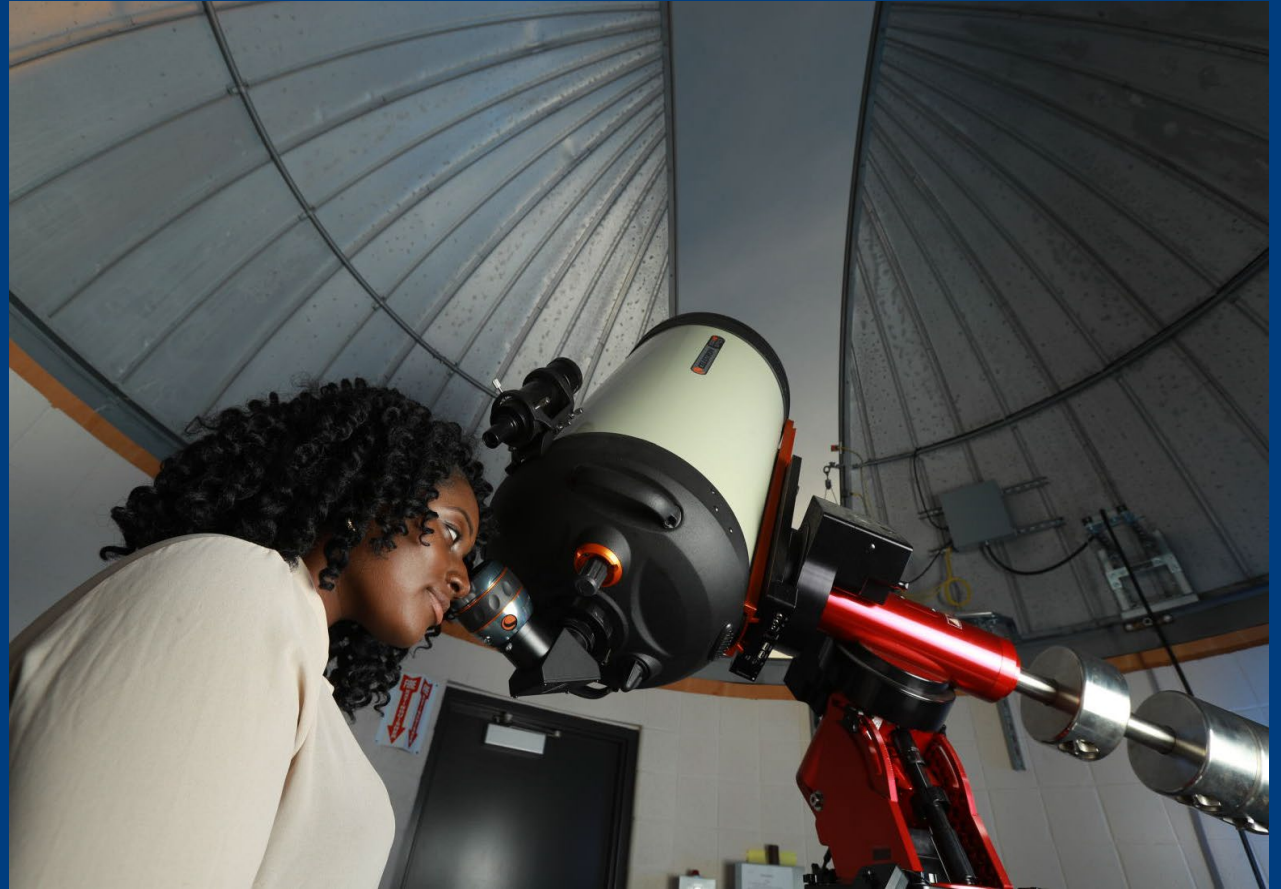
3364-70-21

Philosophy: Follow the PHS or other Federal Regulations

- RC Committee – Sep/Oct 2020 – Need Volunteers!
- Rough Discussion Draft – Sep/Nov 2020
- Grad Council- Nov 2020-initial presentation
- Committee Draft to RC – Jan 2021
 - Revisions Back to RC – Feb 2021
 - Draft Circulated to Senior Leadership – Mar 2021
- Draft Circulated to Grad Council, Faculty Senate, and Other Stakeholders – Mar 2021
 - Revisions – May 2021
- Final Revisions for Approval of RC – Summer 2021

MAJOR PROPOSED REVIEW AREAS

- Clarification of its applicability to alleged student research misconduct
- Clarifying Forms of Proposed Research Misconduct
 - Attempted research misconduct
 - Destruction of Records/Failure to Maintain Records
- Adding Definitions for Terms, e.g.,
 - Authorship Dispute
 - Acceptance of Responsibility
 - Day
 - Evidence
 - Good Faith/Bad Faith
 - Honest Error
 - Institutional Member



1. SCOPE-CLARIFYING STUDENT MISCONDUCT

This statement of policy and procedures does not apply to authorship or collaboration disputes (unless as defined in D (2) or required by the applicable funding agency policies or other University agreements) nor to offenses relating to instructional or course materials that are limited to dissemination to University students.

These procedures apply to students only when acting in their employment or research service capacity, if they are involved in federally supported or other sponsored research or scholarship, or engaged in research or collaborating in research with a faculty or staff member with a goal of a publication, conference, poster, or paper presentation, grant application, grant, prize, or award outside of the normal classroom, for-credit, or degree related academic activity. Disputes as to the application of this policy to students should be resolved through discussion between the RIO and the student's dean or program chair.



1. SCOPE-STUDENTS

Institutional Members: an institutional member is a person who is employed by, affiliated with under a contract or agreement, or under the control of the University. Institutional members include but are not limited to administrative, faculty, teaching and support staff, researchers, clinicians, technicians, fellows, **students**, and contractors, and their employees. **All institutional members must cooperate with the RIO in a research misconduct proceeding.**



2. “ATTEMPTED RESEARCH MISCONDUCT”- BRAINSTORMING DRAFT-LIKELY TO BE REMOVED

Add a new D.4-based on the “common law of attempt”-currently falls under UT conduct policy

Attempted Research Misconduct. A respondent who intentionally, knowingly, or recklessly attempts to commit an act that constitute research misconduct and who takes measures to do so, even if ultimately unsuccessful, defined as committed research misconduct under this policy if the other elements of the definition of research misconduct are met.

For example, a researcher asks a graduate student to fabricate or falsify research data, and the graduate student immediately refuses the request and reports it to the RIO. The request, if it meets the other elements of the definition research misconduct, would constitute research misconduct, although because of the graduate student’s refusal, the act of fabrication or falsification never occurred.

Concerns: Academic freedom, false reports of research misconduct



**“DESTRUCTION OF RECORDS/FAILURE TO MAINTAIN RECORDS”-
BRAINSTORMING
DRAFT**

- Add a “editorial” change to D.21. -based on the goal to put teeth into new data policy

Deliberate violation of laws, regulations, or policies is research misconduct and includes flagrant failure to adhere to or receive the required approvals for work under laws, regulations, rules, or policies of federal, state, or local agencies, or University policies. Examples include, but are not limited to, guidelines for the protection of human and animal subjects, **policies for creation, preservation, and security of research data**, the use of hazardous chemicals, biologicals, radioactive materials, and export-controlled research.

(1) Collection and Retention (**PROPOSED revised policy**)

- (a) The University **must** retain Research Data in sufficient detail and for an adequate period of time to enable appropriate responses to questions about accuracy, authenticity, primacy, and compliance with laws, regulations and sponsor requirements governing the conduct of the research.
- (b) The RD is responsible for the collection, management, and retention of Research Data. The RD should adopt an orderly system of data organization and should communicate the chosen system to all members of a research group and to applicable administrative personnel, where appropriate. Particularly for long-term projects, the RD should prepare for preservation of Research Data in the case of fire, natural disaster, or any other emergency.
- (c) Research Data should be archived for a minimum of five years after the final project closeout, with original primary data retained wherever possible. In addition, any of the following circumstances may justify longer periods of retention:
 - i. **Terms and conditions of a sponsored project agreement**
 - ii. **As long as may be necessary to protect intellectual property resulting from the work. Research Data used to support a patent or copyright application must be archived for a minimum of twenty years or such other time as required by the Office of Research & Sponsored Programs (ORSP);**
 - iii. **If any charges regarding the research arise, such as allegations of scientific misconduct or conflict of interest, data must be retained for a minimum of seven years as required by federal regulation, until such charges are fully resolved, or as required by applicable University policy 3364-70-21; and**
 - iv. **If a student is participating in the research, Research Data must be retained until the degree is awarded, or until it is clear that the student has abandoned the work.**
- (d) Beyond the period of retention specified here, the destruction of research records is at the discretion of the RD. Records will normally be retained in the unit where they are produced. Research records must be retained in University facilities unless pursuant to procedure (F)(5)(d) below. For additional information regarding specific records retention procedures see the University of Toledo's [General Records Retention Schedule](#) (managed by the University Archives).

“DESTRUCTION OF RECORDS/FAILURE TO MAINTAIN RECORDS”-BRAINSTORMING DRAFT

Move to evidence section

The destruction, absence of, or respondent’s failure to provide research records adequately documenting the questioned research constitutes research misconduct if

- (a) the respondent intentionally, knowingly, or recklessly had research records and destroyed them,
- (b) had the opportunity to maintain the records but did not do so,
- (c) maintained the records and failed to produce them in a timely manner, or
- (d) failed to create or maintain records *reasonably* related to his or her research

and that the respondent’s conduct *constitutes a significant departure from accepted practices of the relevant research community. (emphasis added)*

42 CFR 93.106(b)(1)-in the CFR it’s an evidentiary standard and not a form of research misconduct-this would be a substantial change

This is more than mere sloppy record keeping-violations of: UT Policy, terms of grant, possible federal/state regulations, professional norms, agreements with journals, documentation to support IP claims, etc.



MAJOR PROPOSED REVIEW AREAS

4. Allowing Lectures to Serve on Inquiry/Investigation Committees
5. Obligation for Institutional Members to Cooperate
6. Direct Expenses to be Paid by College, Department or Program
7. Resolve Conflicts of Misconduct Policies, Funding Agency or UToledo Agreement Trumps
8. Allow the RIO to Dismiss an Allegation that Doesn't Meet RM Definition in Consultation with RC, VP for Research, etc.



MAJOR PROPOSED REVIEW AREAS

- Allow Referrals by Federal Agencies, Sponsors, etc. to Go Directly to Investigation Committee
- Procedure for Acceptance of Responsibility
- Procedure for Appointment of Non-UToledo Faculty to Committees
- Process for Awarding Sanctions
- DO Must Consult with Recommending Committee, if Rejecting/Modifying Sanctions or Findings
- Six-year Statute of Limitations
- New Grandfather Clause
- Other Clauses as Identified by RC, VP-Research, Grad Council, etc.



FLOATING OUT THERE--TBA

Name of Policy: Guidelines on Authorship

Policy Number: 3364-71-XX

Approving Officer: President

Responsible Agent: Vice-Provost for Graduate Affairs and Dean, College of Graduate Studies; Provost and Executive Vice President for Academic Affairs

Scope: All scholarly activities carried out by faculty, staff, and students at the University of Toledo.

Key words:



Original effective date:

Name of Policy: Research data and responsible conduct of scholarship and research

Policy Number: 3364-70-02

Approving Officer: President

Responsible Agent: Vice President for Research

Scope: All University of Toledo Campuses



Review date: August

Effective date: March 2008

<input type="checkbox"/>	New policy proposal	<input type="checkbox"/>	Minor/technical revision of existing policy
<input checked="" type="checkbox"/>	Major revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy

THANK YOU



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