

RESEARCH MISCONDUCT – OVERVIEW

Misconduct in research is prohibited and represents a serious breach of both the rules of the University and the customs of scholarly communities. Although relatively uncommon, the University has a responsibility to detect and investigate possible misconduct and to resolve such cases fairly and expeditiously. The University expects suspected research misconduct to be reported by faculty to the appropriate Dean and by students and staff to the Senior Vice Provost for Research.

RESEARCH MISCONDUCT – POLICIES AND PROCEDURES

Before filing a complaint of Research Misconduct, individuals are encouraged to review the matter with their Department Chair, Dean, and/or University Ombudsman, or to seek advice from other trusted individuals. If not resolved, inquiry into Research Misconduct should be initiated by a written complaint and to the extent possible, should be detailed, specific and accompanied by appropriate documentation. If an allegation is determined to meet the definition of Research Misconduct, as opposed to some other questionable research practice, misconduct or noncompliance, one of following two policies apply:

Procedures Regarding Misconduct in Research, 2003

- <http://www.upenn.edu/almanac/v49pdf/030506/misconduct.pdf>
- Applicable to members of Penn's standing faculty, standing faculty–clinician–educator, associated faculty, academic support staff, and emeritus faculty when acting as such.

Procedures Regarding Misconduct in Research for Nonfaculty members of the Research Community, 2004

- <http://www.upenn.edu/almanac/volumes/v51/n01/OR-research.html>
- Applicable to nonfaculty members of Penn's research community including students, postdoctoral fellows, and staff.

These policies allocate responsibility for handling allegations of Research Misconduct among the Schools, the Provost, and other University offices and administrative entities. While there are some differences between the two policies, the following summarizes the key procedural steps that are required upon receipt of an allegation.

DOES THE ALLEGATION INVOLVE RESEARCH MISCONDUCT?

Research Misconduct is defined as fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, or results, or works without giving appropriate credit.
- Serious deviation from accepted practices includes but is not limited to stealing, destroying, or damaging the research property of others with the intent to alter the research record; and directing or encouraging others to engage in fabrication, falsification or plagiarism. As defined here, it is limited to activity related to the proposing, performing, or reviewing of research, or in the reporting of research results.

Research misconduct does not include honest error or differences of opinion.

SECURING THE RESEARCH RECORD

The research record is the record of data or results that embody the facts resulting from scientific inquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, and journal articles. Steps must be taken to secure documents, lab notebooks, computer files, and other materials that may be relevant to the allegations.

APPOINTMENT OF A PRELIMINARY INQUIRY COMMITTEE (PIC)

The role of the PIC is to recommend whether the allegation warrants a formal investigation. Among its many responsibilities, the PIC conducts witness interviews, reviews documentation and other evidentiary materials and prepares a report of its findings. Based on the PIC's report, the matter may be dropped, warrant administrative or other actions, or proceed to a formal investigation.

APPOINTMENT OF A FORMAL INVESTIGATION COMMITTEE (FIC)

The FIC's charge is to determine whether the allegations are unsubstantiated or substantiated by a preponderance of the evidence reviewed. The FIC has numerous responsibilities, including conducting and taping witness interviews, preparing summaries of interviews, reviewing relevant evidentiary materials, and preparing a report of its findings.

REQUIREMENTS FOR A FINDING OF RESEARCH MISCONDUCT

A finding of research misconduct requires that:

- There be a significant departure from accepted practices of the relevant research community; and
- The misconduct be committed intentionally, or knowingly, or recklessly; and
- The allegation be proven by a preponderance of evidence

ADJUDICATION

If the FIC's final report finds the charges of Research Misconduct not to be substantiated, the proceeding is terminated; however, such finding shall not preclude the University from taking other appropriate action against the Respondent if the Respondent's behavior or actions violate another University policy or rule. If the report of the FIC finds the charges to be substantiated, the Dean in consultation with the Provost, will take whatever actions are appropriate in accordance with University procedures, including taking steps as may be appropriate under the University's *Procedure Governing Sanctions Taken Against Members of the Faculty*.

PROTECTION OF REPUTATIONS AND RETALIATION

The Dean and the Provost have the responsibility to protect the position and reputation of the complainant and any informants or other witnesses, and to protect these individuals from retaliation, so long as their allegations were made in good faith. In addition, if the final report finds the charges to be unsubstantiated, the Dean and the Provost have the responsibility to take an active role to repair any damage done to the reputation of the Respondent or the Complainant (provided the Complainant acted in good faith). However, the making of knowingly false or reckless accusations regarding research may result in formal charges being brought against the person making such accusations under University procedures (e.g. *Procedure Governing Sanctions Taken Against Members of the Faculty*).

NOTICE REQUIREMENTS

At various stages in the review process, notification may be required to the Complainant, Respondent (the individual who is the subject of the allegations), School and University officials, research sponsors, the Office of Research Integrity, and other individuals and entities.

Useful Links

Procedures Regarding Misconduct in Research

<http://www.upenn.edu/almanac/v49pdf/030506/misconduct.pdf>

Procedures Regarding Misconduct in Research for Nonfaculty members of the Research Community,

<http://www.upenn.edu/almanac/volumes/v51/n01/OR-research.html>

Public Health Service Policies on Research (2005) Misconducthttp://ori.hhs.gov/documents/FR_Doc_05-9643.shtml