

PROPOSED POLICY

**POLICY ON RESEARCH INTEGRITY AND
GUIDELINES FOR ESTABLISHING PROCEDURES FOR RESPONDING TO
ALLEGATIONS OF RESEARCH MISCONDUCT**

INDIANA UNIVERSITY

INTRODUCTION

The primary mission of the university is to search for truth, and its members are committed to this mission. Research conducted under the aegis of the university, therefore, must be guided by norms which facilitate this search, and which foster a spirit of creativity and honesty in the process. Because the conduct of research rests on the foundation of intellectual honesty, violations call into question not only the validity of the particular research project but the social context in which it is conducted. Scholars must be able to trust their peers, students must be able to trust their teachers, and citizens must be able to trust the integrity of the results of research performed in institutions of higher education.

The major responsibility for maintaining standards of intellectual integrity rests with individual scholars and with the departments in which they work. However, the larger institution has a major role to play in three respects: (1) providing an environment for open inquiry in which research can be conducted appropriately, (2) declaring the standards which must not be abrogated, and (3) enforcing the standards on those occasions where violations may have occurred. The purpose of this document is to set forth the policies and procedures by which Indiana University seeks to maintain and enforce such standards through impartial fact-finding and fair adjudication of allegations of research misconduct.

AUTHORITY

Responsibility for implementing and overseeing the University policy will reside with the Vice President for Research and Dean of the University Graduate School (VPR).

APPLICABILITY

This policy applies to all academic and staff appointees who are engaged in the conduct of research, whether or not the research is funded, and to all others affiliated with Indiana University (including students) who are engaged in research through a Sponsored Program, to the extent of that research. Other research-related misconduct on the part of students is to be dealt with through the normal disciplinary channels as provided in the Code of Student Rights, Responsibilities, and Conduct, the Code of Student Ethics promulgated by the University Graduate School, or other relevant University policies governing the conduct of students.

The procedures adopted pursuant to the policy set forth in this document will apply to all allegations of unethical research practices unless specifically prohibited by an applicable collective bargaining agreement or other disciplinary procedure established by the University.

MULTI-CAMPUS JURISDICTION

Cases involving multiple Respondents who are subject to the jurisdiction of different Indiana University campuses shall be handled through a single investigatory process pursuant to the Research Misconduct procedures of one of the campuses having jurisdiction over one of the Respondents. The VPR, in consultation with the chancellor(s) of the

involved campus(es), shall determine which campus process will be used. The VPR's determination shall be final.

LIMITATION OF ACTIONS

Unless otherwise required by federal, state, or local law, allegations must be raised within six years of the date on which the alleged Research Misconduct occurred.

DEFINITIONS

Academic Misconduct. See "Research Misconduct."

Allegation. Any written or oral statement or other indication of possible scientific misconduct made to an institutional official.

Complainant. See "Initiator."

Conflict of Interest. A Conflict of Interest occurs when a person's multiple interests create the possibility of biased decision making. This general concept of conflict is to be distinguished from financial conflicts of interest that might affect an Investigator's Research, which are covered by separate University policies. For the purposes of this document, Conflict of Interest refers generally to the possibility of compromised decision making due to relationships between the decision maker and either the Initiator, the Respondent, or the Research that is the subject of the allegations.

External Entity. Any person, trust, organization, enterprise, or other entity (including government agencies) not under the control of or under common control with the University.

Good Faith Allegation. An allegation of research misconduct made by an Initiator who believes that research misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

Initiator. A person who submits an allegation of Research Misconduct.

Inquiry. Information gathering and initial fact-finding to determine if an allegation or apparent instance of research misconduct has substance and therefore warrants an Investigation.

Investigation. The formal examination and evaluation of all relevant facts to determine whether misconduct has occurred, and, if so, the responsible person and the seriousness of the misconduct.

Investigator. Any person, including but not limited to any person holding an academic or professional staff appointment at Indiana University, who is engaged in the design, conduct, or reporting of Research.

Misconduct. See "Research Misconduct."

Research. A systematic investigation designed to develop or contribute to generalizable knowledge. The term encompasses basic and applied research and product development, as well as research training activities.

Research Integrity Officer (RIO). A person identified by the Vice President for Research to have primary responsibility for assuring adherence to the policies set forth in this document and campus procedures adopted to implement it.

Research Misconduct. Indiana University defines Research Misconduct as provided in the regulations promulgated by the Public Health Service and the National Science Foundation:

Fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research. Included is retaliation of any kind against a person who reported or provided information

about suspected or alleged misconduct and who has not acted in bad faith. It does not include honest error or honest differences in interpretations or judgments of data.

The existence of bad faith motivation shall be determined by the Inquiry or Investigation Committees and, if found, may be subject to sanctions. A claim that one was not aware that an action was a serious deviation from the accepted ethical standards in scholarship is not a mitigating factor to any determination of Research Misconduct.

In interpreting this definition, we are guided by the following standards, which both elaborate on the terms used in the above definition and provide some examples of what is included. The term "Research Misconduct" thus includes but is not limited to:

1. Falsification, fabrication, or misrepresentation. Dishonesty in reporting research, including (a) reporting experiments, measurements, or statistical analyses never performed; (b) manipulating or altering data or other manifestations of the research to achieve a desired result; (c) intentionally falsifying or misrepresenting background information, including biographical data, citation of publications, or status of manuscripts; and (d) selective reporting, including the deliberate suppression of conflicting or unwanted data.
2. Misappropriation. Unacknowledged appropriation of the work of others, including plagiarism, abuse of confidentiality with respect to unpublished materials, misappropriation of physical materials, or other misappropriation of intellectual property.
 - a. Plagiarism shall be understood to mean the presentation of the documented words or ideas of another as one's own, without attribution appropriate for the medium of presentation.
 - b. Abuse of confidentiality includes the use (or release to others) of ideas or preliminary data of others which were given in the expectation of confidentiality, such as those gained from (1) access to privileged information through the opportunity for editorial review of manuscripts submitted to journals; and (2) the opportunity for peer review of proposals being considered for funding by External Entities or by internal committees such as the Human Subjects Committee, the Animal Care and Use Committee, or other committees through which one gains access to privileged research-related information.
 - c. Misappropriation of physical materials. The intentional taking of or imposition of damage to the research-related property of another, including apparatus, reagents, biological materials, writings, data, hardware, software, or any other substance or device used or produced in the conduct of research.
 - d. Other misappropriation of intellectual property includes failure to designate authorship where appropriate.
3. Noncompliance with research regulations. Serious noncompliance with research regulations (including but not limited to those governing the use of biohazardous materials, human subjects, laboratory animals, new drugs, radioactive materials, genetically altered organisms, and safety) after notice of their existence by the University or federal, state, or other appropriate agency.
4. Failure to report observed Research Misconduct. The failure on the part of any member of the University community who has actual knowledge of activities constituting Research Misconduct to bring such activities to the attention of the University by informing either the Unit Executive, the Research Integrity Officer, or the chair of the Standing Committee on Research Integrity. Included is any effort to cover up major episodes of misconduct. The degree of involvement with the project and the level of responsibility held are key determinants of when the failure to report becomes a sanctionable offense.
5. Obstruction of Investigations of Research Misconduct. Obstruction of Investigations of Research Misconduct consists of intentionally withholding or destroying evidence in violation of a duty to disclose or preserve; falsifying evidence; subornation or intentionally providing false information; and attempting to intimidate or retaliate against persons who have provided or may provide information or who may provide potential leads to other persons or evidence before, during, or after the commencement of any formal or

informal proceeding.

6. Retaliation. Any adverse action against a person who reports or provides information about suspected or alleged misconduct and who has acted in good faith.

Research Record. Any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of Research Misconduct. A Research Record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; printed or electronic correspondence; memoranda of telephone calls; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

Respondent. The person against whom an allegation of Research Misconduct is directed, or the person whose actions are the subject of the Inquiry or Investigation.

Retaliation. Any adverse action against a person who reports or provides information about suspected or alleged misconduct and who has acted in good faith.

RIO. See "Research Integrity Officer."

Sponsored Programs. Research, training, and instructional projects involving funds, materials, gifts, or other compensation from External Entities under agreements with the University.

Unit Executive. Dean, chair, or director of the unit in which the alleged misconduct occurred.

VPR. The Vice President for Research.

CONFIDENTIALITY

Institutional activities engaged in pursuant to this policy shall be conducted in such a way as to protect the privacy and confidentiality of Initiators and Respondents to the extent possible consistent with protecting the public health and safety and with carrying out the Inquiry or Investigation. If the Initiator requests anonymity, the University will strive to honor the request within the limits set by applicable policies and regulations and federal, state, and local law.

RESTORING REPUTATIONS

The University will make diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in Research Misconduct when allegations are not confirmed.

RETALIATION

The University will make diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations and those who cooperate with an Inquiry or Investigation into an allegation of Research Misconduct. Instances of apparent retaliation will be reviewed by the VPR for appropriate action; appropriate preventative measures may be instituted.¹

¹ In the absence of specific procedures for protecting persons from retaliation, the University will look to government guidelines developed for this purpose. (See, e.g., Commission on Research Integrity, Integrity and Misconduct in Research: Report of the Commission on Research Integrity, Recommendation 7: "Responsible Whistleblowing: A Whistleblower's Bill of Rights," pp. 36-38 (1995); Office of Research Integrity, Department of Health and Human Services, "Draft Whistleblower Protection Guidelines" (October 30, 1995) reprinted in

Commission on Research Integrity, *Integrity and Misconduct in Research: Report of the Commission on Research Integrity*, Appendix E, pp. 56-67 (1995).

ROLE OF COUNSEL

The University (including the RIO, Unit Executive, VPR, or others acting on the University's behalf in the investigatory process) may consult with the University Counsel on procedural matters at any stage of the proceedings. The Respondent may be accompanied by counsel of his or her choice when interviewed in the course of an Inquiry or Investigation. Respondent's counsel may provide the Respondent advice, but may not participate in the proceedings.

CONFLICT OF INTEREST

No decision maker in the process shall have a Conflict of Interest that might compromise his or her objectivity. A conflict exists when: (1) a decision maker has a close personal or professional relationship with the Respondent or Initiator [e.g., current or former students or mentor, direct supervisory or subordinate relationship (other than as Unit Executive-unit member), direct collaborator within the past seven years]; (2) a decision maker has or has had professional differences of opinion with any of the involved individuals that might reasonably be expected to affect objectivity in considering the case; (3) a decision maker has financial ties to the involved individuals; or (4) when there are any other reasons that might affect his or her ability to provide an objective review of the allegations. The Initiator, Respondent, or any other participant in the process may raise objections on the basis of Conflict of Interest.

CAMPUS PROCEDURES

Each campus shall develop procedures through which allegations of Research Misconduct are to be handled. If a campus elects not to adopt its own procedures, the procedures established for the Bloomington campus will apply. The Bloomington campus "Procedures for Responding to Allegations of Research Misconduct" are set forth in Appendix A.

Campus procedures must provide for a two-stage process consisting of (1) an "inquiry" and (2) an "investigation." Inquiries are information gathering and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an Investigation. Investigations are the formal examination and evaluation of all relevant facts to determine whether misconduct has occurred, and, if so, the responsible person and the seriousness of the misconduct.

The procedures may differ substantially from campus to campus, but must provide for:²

1. Reporting allegations of Research Misconduct to officials within the University.
2. Inquiring immediately into an allegation or other evidence of possible Research Misconduct. An Inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the Inquiry. The individual(s) against whom the allegation was made shall be given a copy of the Inquiry report. If they comment on that report, their comments will be made part of the record. If the Inquiry takes longer than 60 calendar days to complete, the record of the Inquiry shall include documentation of the reasons for exceeding the 60-day period.
3. Protecting, to the maximum extent possible, the privacy of those who in good faith report apparent misconduct.
4. Affording the affected individual(s) confidential treatment to the maximum extent possible, a prompt and thorough Investigation, and an opportunity to comment on allegations and findings of the Inquiry and/or the Investigation.

² These requirements are drawn from U.S. Public Health Service regulations governing institutional responsibilities in responding to allegations of research misconduct. See 42 Code of Federal Regulations Part 50, Sections 101 et seq. All campus procedures must, at a minimum, adhere to these standards.

5. Securing necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence in any Inquiry or Investigation.
6. Maintaining sufficiently detailed documentation of Inquiries to permit a later assessment of the reasons for determining that an Investigation was not warranted, if such was the conclusion of the Inquiry. Such records shall be maintained in a secure manner for a period of at least three years after the termination of the Inquiry, and shall, upon request, be provided to authorized agency personnel, to the extent and in the manner required by law or agency policy.
7. Undertaking an Investigation within 30 calendar days of the completion of the Inquiry, if findings from that Inquiry provide sufficient basis for conducting an Investigation. The Investigation normally will include examination of all Research Records. Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.
8. Completing Investigations within 120 calendar days of their initiation. This includes conducting the Investigation, preparing the report of findings, making that report available for comment by the subjects of the Investigation, and, if required, submitting the report to the funding agency. Extensions of time must be approved by the Vice President for Research and, if required by law or agency policy, by the funding agency.
9. Taking precautions against real or apparent conflicts of interest on the part of those involved in the Inquiry or Investigation.
10. Preparing and maintaining the documentation to substantiate the Investigation's findings. Such records shall be maintained in a secure manner for a period of at least three years after the termination of the Investigation and shall, upon request, be provided to authorized agency personnel, to the extent and in the manner required by law or agency policy.
11. Taking interim administrative actions, as appropriate, to protect the health and safety of research subjects or patients, to protect the interests of students and colleagues, to preserve evidence, and to protect resources.
12. Undertaking diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in research misconduct when allegations are not confirmed, and also undertaking diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations or who cooperate in an Inquiry or Investigation.
13. Imposing appropriate sanctions on individuals when the allegation of research misconduct has been substantiated.
14. Providing notification or other reporting to funding agencies to the extent and in the manner required by law or agency policy.