

**Review of  
Interim  
Research  
Misconduct  
Policy**

# Interim Research Misconduct Policy

- Approved on an interim basis June 29, 2017.
- Aligns with federal guidance from the Department of Health and Human Services Office of Research Integrity (ORI) and the Public Health Service (PHS) on how to resolve research misconduct allegations involving federal funding.
- Satisfies ORI's interest in addressing the misconduct itself and correcting the research record, while recognizing the institution's need to investigate whether University faculty, staff, or students engaged in misconduct.

# Interim Research Misconduct Policy

- Incorporated ability to take interim actions during review of an allegation of research misconduct in order to protect the research environment, ensure appropriate management of research funds, and/or address safety issues that may be a concern depending on the allegation.
- Clarified provisions on committee memberships and allowed for the parties in the case to identify any conflicts of interest as the memberships of committees are being formed.

# Faculty Affairs Committee Review

- The Faculty Affairs Committee (FAC) created a Research Misconduct Working Group (WG) to review the interim policy.
- The WG reviewed peer institution policies and consulted with the Office of Faculty Affairs, Office of General Counsel, the Research Council, and the Vice President for Research.
- The FAC received a draft of possible revisions to the interim policy from the WG in October, 2018.
- The FAC is working to review the possible revisions and gather feedback on key issues and concerns before finalizing its work.

# Policy Scope

- The interim policy applies to all members of the campus community.
- The FAC would like to ensure the policy addresses “Scholarly Misconduct” as an umbrella for research misconduct and misconduct in creative activities. This protects ORI’s interest in federally-funded research while allowing the policy to address all types of scholarship.
- The FAC’s draft policy does not cover instructional misconduct or professional misconduct, and notes that separate University policies and procedures should be used to address activities that fall outside of the scope of this policy.

# Policy Definitions

- The FAC is revising definitions to more accurately reflect the types of misconduct that may occur; adding or significantly revising definitions for Fabrication, Falsification, and Improprieties of Authorship; and adding a definition for Self-Plagiarism.
  - Fabrication involves intentionally generating false data or results and reporting them as genuine.
  - Falsification involves manipulation or omissions that deviate from accepted practices within the field, so that information is purposely misrepresented in the research record.
  - Improprieties of Authorship, or improper assignment of credit, requires an understanding of the accepted standards in the relevant discipline, as some exclusion or inclusion of authors may be established convention.
  - Self-Plagiarism, when not in accordance with the accepted standards in the relevant discipline, can constitute misconduct under the policy.

# Due Process Rights for Respondents

- The draft revisions clarify the parties' rights to challenge committee membership, and permits the Research Integrity Officer (RIO) to remove a committee member if a conflict of interest emerges during the proceedings.
- The FAC is considering how to ensure the Respondent has an opportunity to provide a written response to the allegation.
- The parties may review all evidence and supply corrections or additional supporting documentation as needed in response to the evidence submitted by others.

# Research Integrity Officer Structure

- At UMD, the RIO is the Associate Provost for Faculty Affairs.
- At many peer institutions, the RIO is a staff member or administrator within the Division of Research, or leads a Research Compliance Office that handles issues related to research misconduct as well as other compliance-related issues.
- The FAC has discussed the administrative burden and expertise involved in managing the research misconduct process.
- The FAC would like to ensure that the policy language is broad enough to accommodate changes in practice and structure that may be necessary in the future given the administrative burden of managing this process.

# Feedback Needed

- Are there types of scholarly work or work in specific disciplines that seem to not be covered by the interim policy?
- Would the policy definitions and processes be appropriate to review allegations of misconduct for research conducted on non-federal grants?
- Does the policy adequately detail the role of Inquiry or Investigation Committee members?
- Does the policy adequately detail the rights, responsibilities, and expectations for Respondents?
- Does the policy adequately detail the overall process for Respondents?

Faculty Affairs Committee

Charge: Interim University of Maryland Policy and Procedures Concerning Research Misconduct  
([Senate Document #17-18-07](#))

Interim Policy: <https://president.umd.edu/administration/policies/section-iii-academic-affairs/iii-110a>

## **Background**

An interim version of the University of Maryland Policy and Procedures Concerning Research Misconduct was adopted in June 2017 following work to bring them into alignment with regulations from the Health and Human Services Office of Research Integrity (ORI) and the Public Health Service (PHS).

There are several main issues that the interim policy was established to address:

- ORI and PHS have established expectations and standards that should be used in all investigations into research misconduct involving research that uses federal grant money. UMD's policy needed to be revised to comply with these expectations and standards.
- The federal government is interested in addressing the misconduct and correcting the research record; these interests must be balanced with institutional interests and those of the individual(s) involved in a research misconduct allegation. UMD's policy needed to be revised to meet the needs of both the federal government and the institution.
- The interim policy addresses a key need identified by the University, to be able to take interim actions during the review of an allegation of research misconduct. This can be necessary in order to protect the research environment, ensure appropriate management of research funds, and/or address safety issues that may be a concern depending on the allegation.

A Research Misconduct Working Group (WG), which included representatives from the Faculty Affairs Committee, the Research Council, and the Office of the Vice President for Research, was formed to review the interim policy. The WG met frequently throughout the spring semester of 2018, working to identify and resolve issues in the interim policy and procedures. This process involved working closely with representatives of the Office of Faculty Affairs and the Office of General Counsel, consulting with the Research Council and the Vice President for Research, and conducting peer institution research. The WG reported to the full Faculty Affairs Committee in October 2018.

## **Preliminary Directions on Policy Revisions**

### Scope of the Policy and Types of Misconduct

The FAC's current draft renames and reframes the policy to address "Scholarly Misconduct," which includes both research misconduct and misconduct related to creative activities. This protects ORI's interest in focusing on research that is funded by federal grant money, while also allowing the policy to address research misconduct for non-federally funded projects. It applies to all members of the University community - students, staff, faculty, and administrators - and all scholarly work, including research and creative activity.

The draft policy intentionally does not cover actions that would be considered instructional misconduct (e.g., using another person's course materials without permission/attribution) or professional misconduct (e.g., misrepresentation of one's credentials for professional advancement), or misconduct by an individual acting as an administrator. Separate University policies or procedures should be used or developed to address these types of misconduct.

### Definitions

The FAC would like to ensure that definitions in the policy are clear and accessible to faculty who may be involved in this process. This involves adding details where appropriate or revising definitions to more accurately reflect the types of misconduct that may occur on our campus; adding or

significantly revising definitions for Fabrication, Falsification, and Improprieties of Authorship; and adding a definition for Self-Plagiarism. This includes clarifying that:

- Fabrication involves intentionally generating data or results that are fictitious and reporting them as genuine.
- Falsification involves manipulation or omission of data or results in a way that deviates from accepted practices within the field, so that information is purposely misrepresented in the research record.
- Improprieties of Authorship requires an understanding of the accepted standards in the relevant discipline, as some exclusion or inclusion of authors may be established convention.
- Self-Plagiarism, when not in accordance with the accepted standards in the relevant discipline, can constitute misconduct under this policy.

### Due Process Rights for Respondents

The FAC would like to ensure that the policy and procedures provide appropriate due process rights for the Respondent. The current draft clarifies the parties' rights to challenge the appointment of specific members of committees, and permits the Research Integrity Officer to remove a committee member if a conflict of interest emerges during the proceedings. The FAC is developing language to ensure that the Respondent has an opportunity to provide a written response to the allegation for consideration during the inquiry and investigation processes. The parties may review all evidence and supply corrections or additional supporting documentation as needed in response to the evidence submitted by others. The policy also addresses the institution's role in restoring a Respondent's reputation if there is no finding of misconduct.

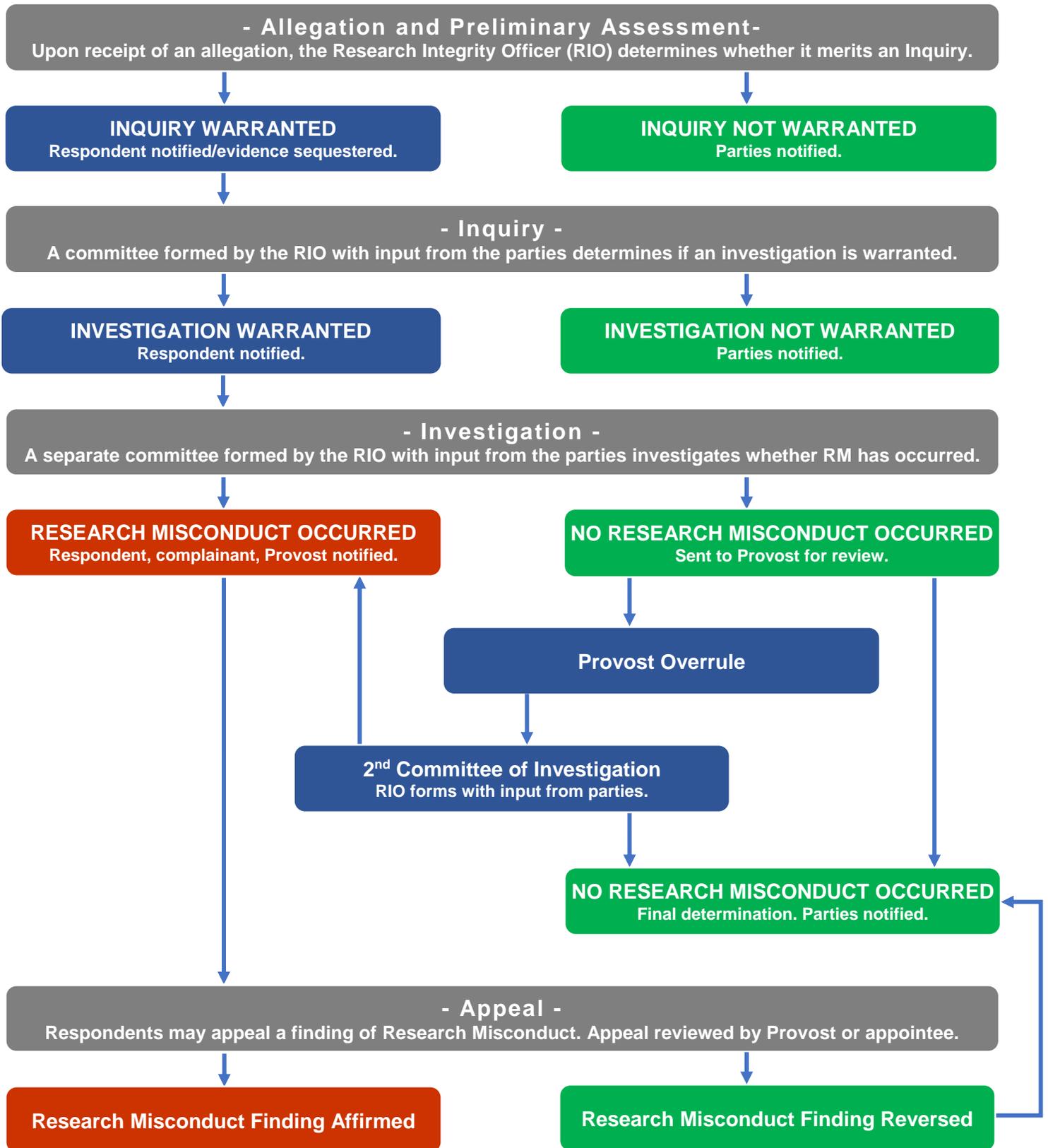
### Oversight of the Process

The interim policy clearly indicates the role of the Research Integrity Office (referred to as the RIO) throughout the misconduct process, and indicates that the RIO is appointed by the Provost. In current practice, the RIO is the Associate Provost for Faculty Affairs. At many peer institutions, the RIO is a staff member or administrator within the Division of Research, or leads a Research Compliance Office that handles issues related to research misconduct as well as other compliance issues. The FAC has discussed the administrative burden and expertise involved in managing the research misconduct process. Though it currently does not plan to propose any changes to the existing structure, the FAC would like to ensure that the policy language is broad enough to accommodate changes in practice and structure that may be necessary in the future given the administrative burden of managing this process.

### Clarifications of Processes and Roles

The FAC is working to ensure that the policy is clear and consistent, and in some instances is adding information to explain what, in practice, the interim policy means. The current draft clarifies roles and responsibilities, including the role of the Provost in all stages of the process. It clarifies the role of legal counsel: the interim policy indicates that Respondents and Complainants may be advised by counsel, but fails to explain the role of counsel during the proceedings. The FAC is considering language to clarify counsel's role as an advisor to assist the parties but not engage on behalf of the parties, to be consistent with other University policies. The current draft also clarifies and revises timelines for various stages and actions within the procedures, and clarifies details regarding the appointment of the RIO.

# Overview of the Research Misconduct Process



- If no finding of RM is made, respondents may still be referred for Unacceptable/Questionable Research Practices or potential violations of other University, USM, or state policies/laws.
- The University will take efforts to restore the reputation of Respondents if an inquiry or investigation is found Not Warranted, or if it is determined that no RM occurred.
- If a finding of RM is made, a Responsible Administrator will determine/takes action; the RIO will work to correct the research record.