

COGR

an organization of research universities

COUNCIL ON GOVERNMENTAL RELATIONS

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May 9, 2016

Kathryn Partin
Office of Research Integrity
US Department of Health and Human Services
1101 Wootton Parkway, Suite 750
Rockville, MD 20852

Dear Dr. Partin,

On behalf of COGR and the Research Compliance and Administration (RCA) Committee, we would like to thank you again for the opportunity at the February COGR meeting to meet you in person and to hear about your current thoughts and plans to improve guidance and efficiency within the Office of Research Integrity (ORI).

We'd like to commend your staff on a number of things, including but not limited to the providing of sound advice, the ability to talk candidly and confidentially about how to handle certain situations, understanding when there is a need for an extended period of time to complete a complicated investigation, and for helping our members come up with solutions to problems. The partnership approach you endorse is exactly what is needed to gain clarity and consistency, reduce burden, and streamline processes.

During the meeting you requested that we offer written suggestions or recommendations for specific areas or issues we would like to see addressed. Below are the recommendations we have gathered:

- ORI should continue to offer the basic Boot Camps and provide advanced level Boot Camps on a regular basis as these have been extremely beneficial to our members and community.
- ORI should have a high priority emphasis in providing RCR training tools, reference materials, and updated HHS/NIH notices as resources to the research community. ORI should ensure that the resource materials and guidance not only reflect current practices, processes and regulations but are based on data available to ORI and others in the research community.
- ORI should provide annual metrics of the types of allegations (plagiarism, falsification, fabrication), the appointment classification (e.g., faculty, postdoc, graduate student), and the number of each that proceed to inquiry and investigation as reported in the annual reports. Such information would be useful for institutions to examine the trends in research misconduct cases, and provides useful information for our own training programs.
- ORI should consider including guidance on the principle of data reproducibility of research in the training programs and tools offered. We encourage ongoing coordination and collaboration between ORI and other NIH Centers and Institutes for the purposes of providing a consistent message to the community on data reproducibility. We would further welcome standards on reproducibility.

- ORI should consider providing guidance on the respective responsibilities of authors, journals, and institutions in the retraction of publications. Journals are often seeking a retraction request from the institution, especially when authors can no longer be located. However the publication is the result of a contract between the authors and the journal, not the institution.
- ORI should continue to provide consultative advice to support our members' inquiries and investigations. However, some of our members have indicated that the advice given to an institution orally by ORI when initially discussing how to handle a case, later is reversed after the institution has followed that advice. This causes institutional frustration and awkwardness, and, in some cases, potential liability. ORI should take the steps necessary to assure that consultative advice is consistent with formal actions.
- ORI should make clear that their determinations are independent of the actions taken by the institution in accordance with the institution's policies, especially in cases where ORI makes a determination not to proceed. We are concerned that although the university is technically within its rights to pursue sanctions in accordance with university policy, often Respondent(s) or their counsel interprets ORI's decision not to pursue as the equivalent of the case lacking merit. This may have legal consequences for the institution if the faculty member decides to sue the University and wishes to use ORI's determination not to proceed as justification that the University's decision was unfounded.
- ORI should include self-plagiarism in the definition of plagiarism. ORI recognizes self-plagiarism as a questionable practice and a form of academic dishonesty. However, ORI's definition of plagiarism as "the appropriation of another person's ideas, processes, results, or words without giving appropriate credit," makes pursuing an allegation of self plagiarism problematic, especially if a university has not specifically included self-plagiarism in their research misconduct definition (many have used the ORI definition to construct their policies).
- ORI should provide a clear, consistent definition of "Recklessness". The requirements for making a finding of research misconduct in accordance with 42 CFR 93.104 include "the misconduct be committed intentionally, knowingly, or recklessly..." Often, a finding of misconduct is made not because of one defining "smoking gun" (e.g. an email with a clear directive to falsify results, eyewitness testimony, admission, etc.) and it can be difficult to prove by the preponderance of the evidence that the misconduct was committed intentionally or knowingly, making "recklessly" an often used support measure for the institution's finding. We ask that ORI clearly define a standard of what constitutes 'reckless' behavior – perhaps echoing the sentiments of the [Singapore Statement on Research Integrity](#), "the first international effort to encourage the development of unified policies, guidelines, and codes of conduct, with the long-range goal of fostering greater integrity in research worldwide."

We were delighted to hear about the ongoing listening tours and conference/workshops that you have conducted with some of our members and others. We agree that published FAQ's, improved guidance to the public regarding trends and patterns about published cases, and a re-review of the laws and regulations around scientific misconduct will be very useful and will help institutions better focus their efforts towards training, consistency and oversight.

Please feel free to contact us at any time should you require information or data and statistics that may be useful as you develop new strategic priorities for ORI. We look forward to an ongoing partnership and to having you back in October to share with COGR members the results and strategic goals for ORI.

Sincerely,



Jackie Bendall
Director