

Allegations of misconduct

COPE Webinar

12 April 2019

Guest speakers:

- **Susan Garfinkel**, Assistant Vice President for Research Compliance, Ohio State University, Ohio, garfinkel.18@osu.edu
- **Tara Hoke**, General Counsel, American Society of Civil Engineers, and COPE Trustee, thoke@asce.org

Moderator:

- **Nancy Chescheir**, editor in chief, Obstetrics and Gynecology, and COPE Council, NChescheir@greenjournal.org

COPE Webinar: Allegations of misconduct



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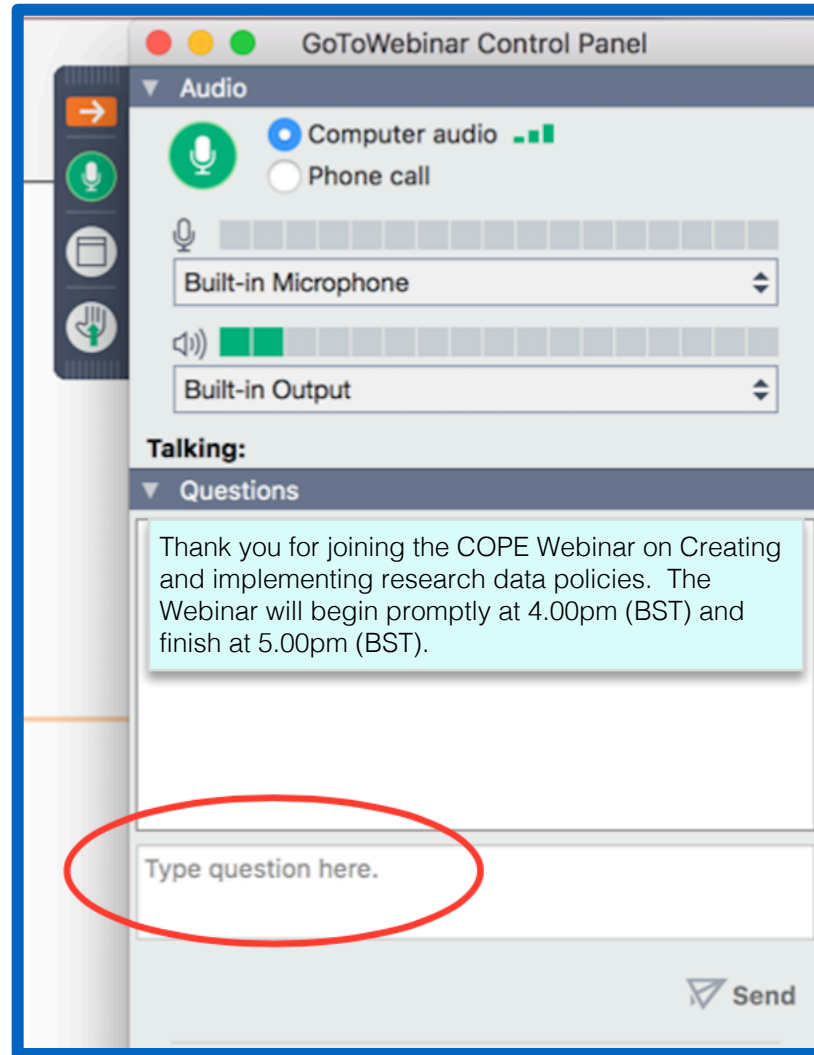
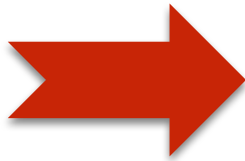
Nancy Chescheir

Editor in chief,
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COPE Webinar: Allegations of misconduct

Please type your questions in the Question Box



Note:
Recording & summary report will be uploaded to COPE website

Allegations of misconduct

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Lightning Poll 1

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COPE resources

Core Practice 1.

<https://publicationethics.org/misconduct>



1. Allegations of misconduct

Journals should have a clearly described process for handling allegations, however they are brought to the journal's or publisher's attention. Journals must take seriously allegations of misconduct pre-publication and post-publication. Policies should include how to handle allegations from whistleblowers.

[View all Allegations of misconduct resources](#)

COPE's Working Definition of Misconduct

Misconduct in its *broadest* sense:

Any practice that may affect the reliability of the research record in terms of findings, conclusions, or attribution

Wager E, Kleinert S on behalf of COPE Council, Cooperation between research institutions and journals
On research integrity cases: Guidance from the
Committee on Publication Ethics (COPE) March 2012

Allegation of Misconduct

- May be raised by journal or author(s)' institution
- Two way *confidential* communications
 - Research institutions should notify journals if investigation of one of its researchers identifies misconduct that affects reliability or attribution of published work
 - Should cooperate appropriately with editors so that s/he can determine appropriate response
 - Editors should cooperate promptly with institutions if asked to provide information

Wager E, Kleinert S on behalf of COPE Council, Cooperation between research institutions and journals

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publicationethics.org

Journals

- Inform institutions about possible misconduct per COPE guidelines
- Journals need to provide evidence to support allegations of misconduct
- If misconduct found at institutional level, journals need to be prepared to issue retractions or corrections

Wager E, Kleinert S on behalf of COPE Council, Cooperation between research institutions and journals

On research integrity cases: Guidance from the
Committee on Publication Ethics (COPE) March 2012



THE OHIO STATE UNIVERSITY

Allegations of Research Misconduct

Institutional Perspective

Susan Garfinkel, Ph.D.

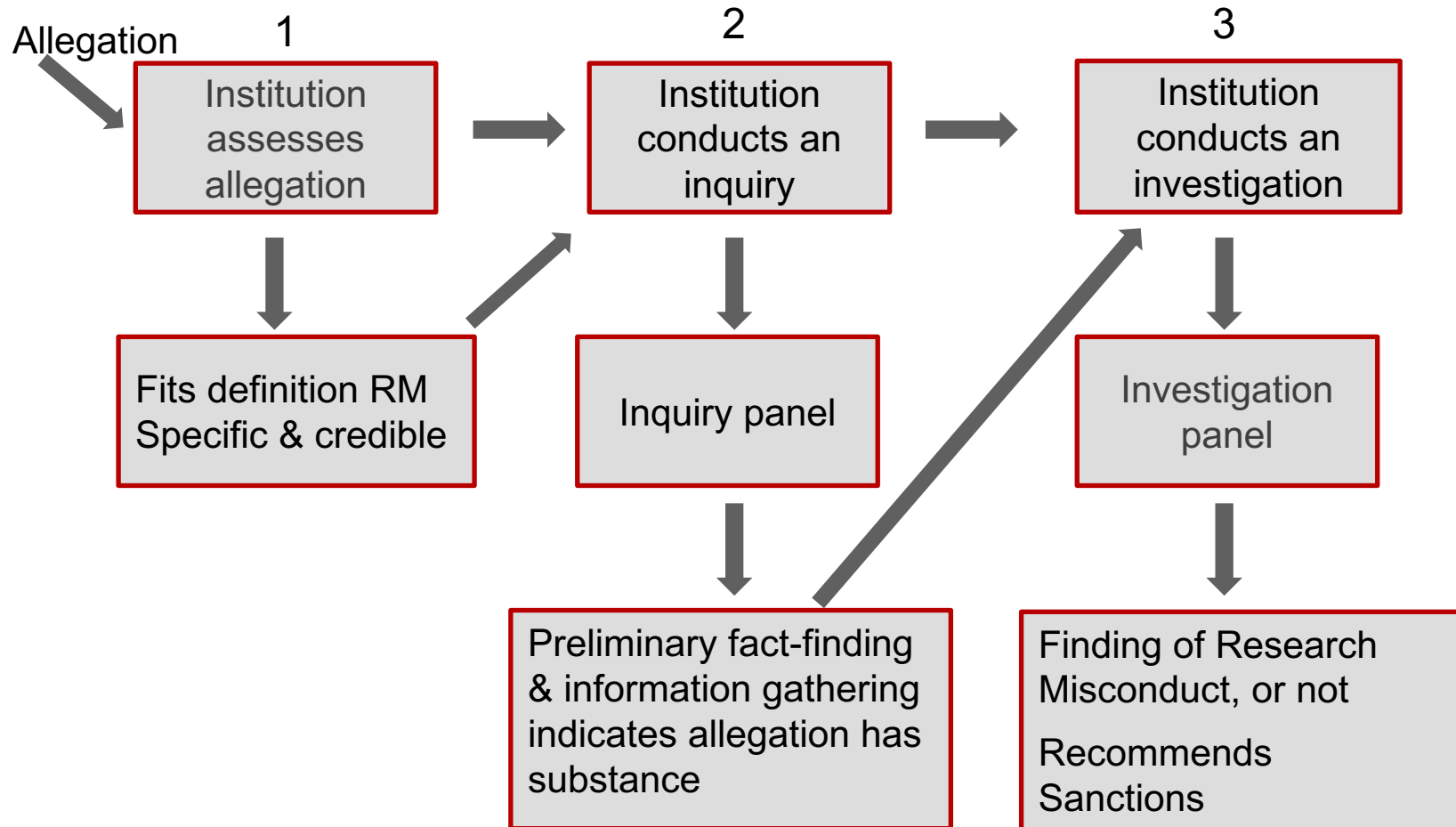
Assistant Vice President for Research Compliance

Ohio State University

April 12, 2019



An Institution's Process





Handling Research Misconduct

Research Misconduct is narrowly defined.

- Under the federal regulations, it includes the **fabrication, falsification, or plagiarism** in proposing, performing, or reviewing research, or in reporting research results.
- Excludes honest error, authorship disputes, self-plagiarism, lab conflicts, and **other QRPs** (questionable research practices).



Who Handles Research Misconduct Allegations at US Institutions?

**Research Integrity Officer
("RIO")**



What is a RIO?

Although Not Defined by Regulation, the RIO's Role Has Evolved

- ❖ Administer the institution's policies and procedures
- ❖ Assure compliance
- ❖ Neutral, objective party
- ❖ Interacts with federal agencies, journals
- ❖ Handles QRPs/DRPs (authorship, mentoring, data management, etc.) and refers to other University offices



Where is the RIO?

OFFICE OF RESEARCH
Office of Research Compliance



- Home
- About Us
- Regulations and Policies
- Resources
- Contact Us
- News



Welcome

The mission of the Office of Research Compliance (ORC) is to support and promote ethical research practices at The Ohio State University. ORC serves the OSU research community by coordinating institution-wide research compliance policy and procedure development, and by partnering with researchers, so that the University is compliant with federal, state, and local laws and regulations as well as University policies.



Conflict of Interest
COI screening/disclosure application.

- eCOI
- Policies and Procedures



Export Control
International activities and export control regulations.

- Training
- Travel



Research Misconduct



General Research Policies

NEWS

[New Online Training – Being a Principal Investigator: Roles, Responsibilities and Resources](#)
POSTED: FEBRUARY 26, 2019

[University Laboratory Safety Committee Excellence in Safety Awards](#)
POSTED: JANUARY 31, 2019

[Research Integrity Summit at Ohio State takes place September 23](#)
POSTED: JUNE 19, 2018

[Revised Export Control Policy Goes into effect April 15, 2018](#)

Office of Research Compliance

or

Office for Research Integrity



Where is the RIO?

Office of Research Compliance

“Contact Us”

Working with **ARIO**
Association for Research Integrity Officers

<https://www.ariohq.org/>

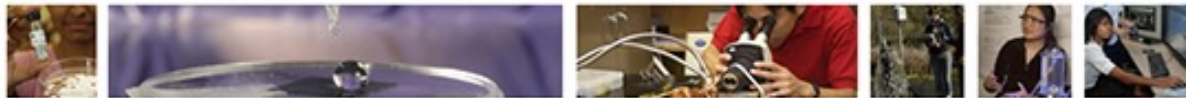
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Contact Us

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RESOURCES

Office Hours
Monday - Friday
8:00 a.m. - 5:00 p.m.

Directions and Map
Navigate to the Research Administration Building

Contact Us
Connect with the Office of Research Compliance

NEWS



What does this mean to you?

CONFIDENTIALITY (Federal Regulations)

§ 93.108 Confidentiality.

- (a) Disclosure of the identity of respondents and complainants in research misconduct proceedings is **limited, to the extent possible, to those who need to know**, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as allowed by law.
- (b) Except as may otherwise be prescribed by applicable law, confidentiality must be maintained for any records or evidence from which research subjects might be identified. Disclosure is limited **to those who have a need to know to carry out a research misconduct proceeding**.



Do journal editors/publishers have a “**need to know**”?

Depends on who you ask!

Some say **YES**/Some say **NO**

When is the **right time** to contact?

What **information** should be told?



One View of Confidentiality

Elements to prove Research Misconduct

A finding of research misconduct requires:

1. There be a **significant departure** from the accepted practices of the relevant research community; and
2. The misconduct was **committed intentionally, knowingly, or recklessly**; [by Respondent] and
3. The allegation [falsification, fabrication or plagiarism] **be proved by a preponderance of the evidence**

(Federal regulations and University Policy)



One View of Confidentiality

Easier Part: (doesn't take too long)

The allegation [falsification, fabrication or plagiarism] **be proved by a preponderance of the evidence**

- a. iThenticate for plagiarism
 - b. image analysis tools
-

Harder Part: (takes a long time)

The misconduct was **committed intentionally, knowingly, or recklessly** [by Respondent]

- a. was Respondent responsible?
- b. what proof/evidence do you have that it was Respondent?



One View of Confidentiality

Questions that still need an answer . . .

Will an **institution release information** about an ongoing misconduct matter to journals when they know F/F/P occurred but don't know who was responsible?

- what are the consequences of this on co-authors or if a research misconduct finding cannot be made?

Will **journals correct/retract** papers without approval of all the authors if data is incorrect?

- how much data will journals ask for? Do journals need information on investigations? findings of research misconduct?



THANK YOU

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Lightning Poll 2



Allegations of misconduct

The role of COPE's Facilitation & Integrity Committee

Tara Hoke

General Counsel, American Society of Civil Engineers,
and COPE Trustee

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[View all Allegations of misconduct resources](#)

= Due Process

What is “Due” Process?

Balancing test, considering factors such as:

- private interest(s) that will be affected by the official action;
- the risk of error in the procedures used vs. the benefit of additional procedural safeguards; and
- your interests, including both the fulfillment of your function and the financial and administrative burdens of the procedural requirements

Mathews v. Eldridge, 424 U.S. 319, 335 (1976)

Elements of Due Process:

1. Adequate notice
2. Opportunity to be heard
3. Fair and impartial judgment



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Adequate Notice

- Are the rules being enforced clearly expressed?
- Do the persons involved clearly understand both the allegation and the process to be followed?
- Is the decision clearly communicated?
?

Opportunity to be Heard

- Do persons involved have the ability to make their case?
- Is evidence appropriately shared, and adequate time given for response?
- Are there barriers imposed on participation?

Fair Judgment

- Is the decision evidence-based?
- Is it applied fairly to all?
- Is the arbiter neutral (no conflicts of interest)?
- Is the decision made in good faith? (no predetermined result)

Facilitation & Integrity Committee

- Primary focus is on **education**
- Not a “police” force or a prosecutor
- Looks at the **procedures** followed, not the substance
- Enforces **commitment** to follow core principles of publication ethics
- Provides a mechanism for **taking action** when a member can't/won't honor that commitment

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Concern type, Facilitation & integrity process – Nov 2017 to Oct 2018	Number of cases
Concerns about integrity of published work	20
Concern about editor's decision to retract	8
Rejection of submission	8
Plagiarism/text overlap	5
Difficulty publishing letter or rebuttal in response to published article	5
Competing interests	5
Salami slicing/overlap between publications	4
Lack of acknowledgement/citation to earlier published work	4
Concern about journal's handling of submission/peer review	3
Authorship/contributions to published work	2
Ethical concerns	2
Breach of confidentiality	2
Lack of editorial independence by journal (vs publisher)	1
Concern about tone in reviewer's report	1

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“Due process” concerns identified in F&I cases

Timeliness (of responses, of investigation)

Lack of a clear written policy on an important subject (e.g., informed consent)

Appropriate explanation of decisions (e.g., why an allegation was dismissed)

Insufficient follow-through on concerns

Failure to address all concerns in a multi-allegation complaint

Vague or inaccurate published notice (e.g., reasons for retraction)

Decision-maker with a potential conflict of interest/interference with independent judgment

Not taking care to ensure that all impacted parties are kept informed

Lack of clarity on whose responsibility it is to investigate (most common with society-run journals)

Reluctance to look into concerns raised anonymously

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Lightning Poll 3

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COPE Resources



[Home](#) / [Resources](#) / [Flowcharts](#)

What to do if you suspect peer review manipulation

COPE's flowchart on what to do if you suspect peer review manipulation discovered either during or after the peer review process.

Core practices:

- ✓ [Allegations of misconduct](#)
- ✓ [Peer review processes](#)

Feedback

Showing 1–20 of 597 results

Order by **Relevancy** ▼

Case

On-going

Suspected plagiarism

2019

A single author submitted a paper to our journal. A similarity check revealed 48% similarity with another published paper. The published paper was by different authors—5 in total. The similarities between the papers were in the introduction, methods and discussion sections. The submitting author did not reference the published article. We queried the corresponding author but have not rec...

- ✓ [Allegations of misconduct](#)
- ✓ [Intellectual property](#)

Feedback

[Home](#)

Submit a Case

▼ JOURNAL DETAILS

Journal *

▼ DATE

-Day ▼ -Month ▼ -Year

Publisher *

This will not be made public but is necessary for COPE records

Discipline *

- Select a value - ▼

This will not be made public but is necessary for COPE records

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Questions?

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Nancy Chescheir
Editor in chief,
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Gynecology, and
COPE Council



Rachel Safer
Senior Publisher at
Oxford University
Press, and COPE
Council

Next steps

- Please give us your **feedback** by responding to the email we will send you after this webinar

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Thank you!

Special thanks to:

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Linda Gough, Sarah Gilmore, Sabah Moran, Natalie Ridgeway

