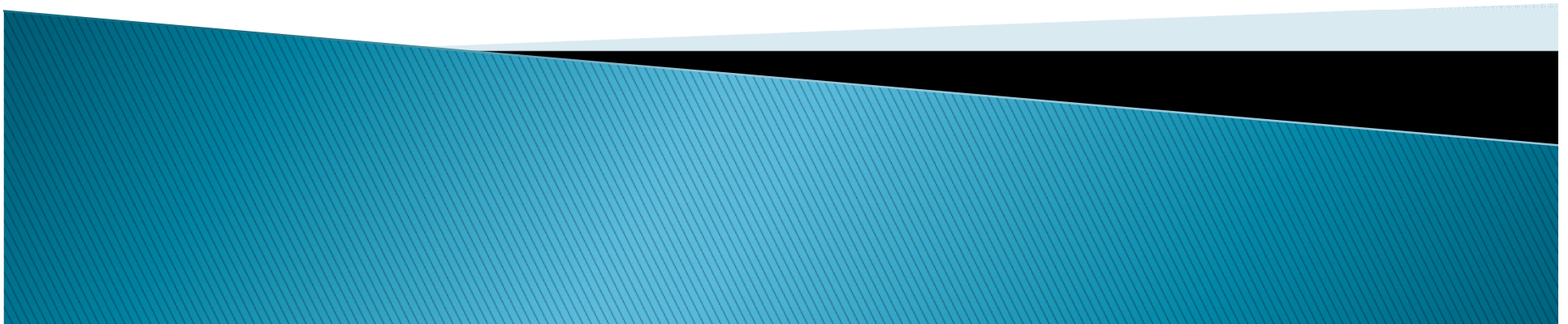


Research Misconduct

Michael Scian, MBA, JD
Assistant Director of Compliance
University of Florida



The University of Florida has adopted the Department of Health and Human Services definition of Research Misconduct which is the next page of this training. Research Misconduct does not include honest error or differences of opinion.

See the University policy on Research Misconduct section (3) for the definition of Research Misconduct. The link to the University policy is <http://regulations.ufl.edu/chapter1/10101.pdf>.



Department of Health and Human Services - Office of Research Integrity

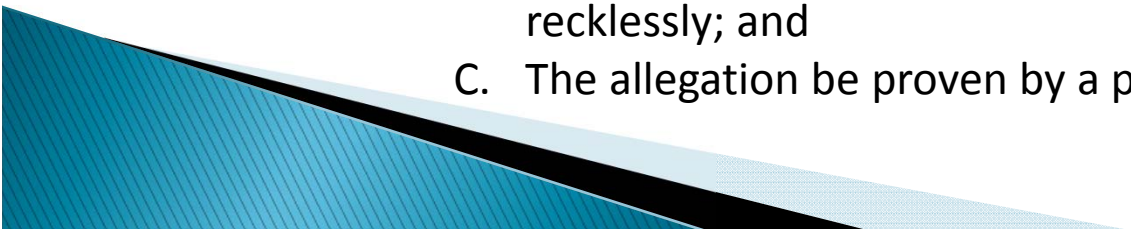
Sec. 93.103 Research misconduct.

Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- A. Fabrication is making up data or results and recording or reporting them.
- B. 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.
- C. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- D. Research misconduct does not include honest error or differences of opinion.

Sec. 93.104 Requirements for findings of research misconduct.

A finding of research misconduct made under this part requires that –

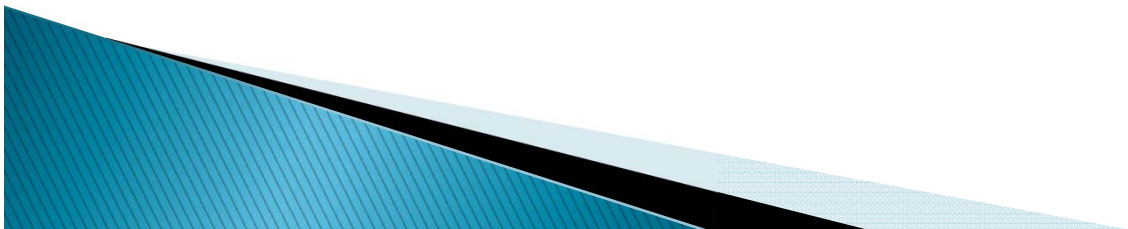
- A. There be a significant departure from accepted practices of the relevant research community; and
 - B. The misconduct be committed intentionally, knowingly, or recklessly; and
 - C. The allegation be proven by a preponderance of the evidence.
- 

Section 93.103 defines Research Misconduct as Fabrication, Falsification or Plagiarism. All of the federal agencies have adopted this definition.

Section 93.104 requires that someone act intentionally, knowingly or recklessly.

The Office of Research Integrity has provided a working definition of Plagiarism which is the next page of this training. Note that Plagiarism does not include authorship disputes involving research collaborators. Such disputes are resolved by universities. There is also an exception for commonly used methodology.

The University of Florida policy excludes authorship disputes from Research Misconduct at section (3) (b).



Office of Research Integrity

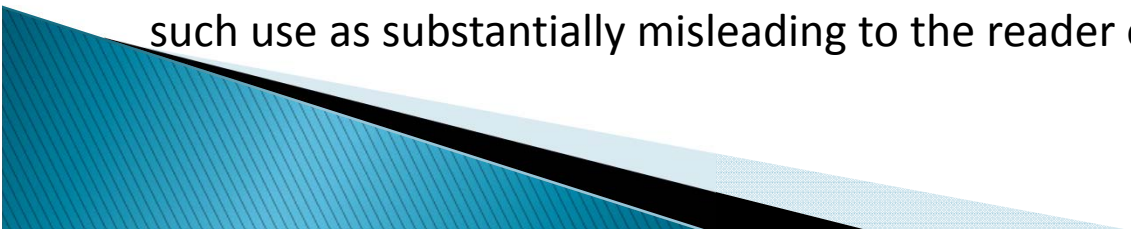
Definition of Plagiarism

Although there is widespread agreement in the scientific community on including plagiarism as a major element of the PHS definition of scientific misconduct, there is some uncertainty about how the definition of plagiarism itself is applied in ORI cases.

As a general working definition, ORI considers plagiarism to include both the theft or misappropriation of intellectual property and the substantial unattributed textual copying of another's work. It does not include authorship or credit disputes.

The theft or misappropriation of intellectual property includes the unauthorized use of ideas or unique methods obtained by a privileged communication, such as a grant or manuscript review.

Substantial unattributed textual copying of another's work means the unattributed verbatim or nearly verbatim copying of sentences and paragraphs which materially mislead the ordinary reader regarding the contributions of the author. ORI generally does not pursue the limited use of identical or nearly-identical phrases which describe a commonly-used methodology or previous research because ORI does not consider such use as substantially misleading to the reader or of great significance.



Many allegations of plagiarism involve disputes among former collaborators who participated jointly in the development or conduct of a research project, but who subsequently went their separate ways and made independent use of the jointly developed concepts, methods, descriptive language, or other product of the joint effort. The ownership of the intellectual property in many such situations is seldom clear, and the collaborative history among the scientists often supports a presumption of implied consent to use the products of the collaboration by any of the former collaborators.

For this reason, ORI considers many such disputes to be authorship or credit disputes rather than plagiarism. Such disputes are referred to PHS agencies and extramural institutions for resolution.

[From ORI Newsletter, Vol 3, No. 1, December 1994](#)



Research Misconduct – UF's Process

I. Pre-Inquiry Review

A. Administrative Officer (Accused's Supervisor)

1. Informs the Dean & VP of Research
2. Conducts Pre-Inquiry and meets with Accuser
3. Either dismisses the case if the allegation is wholly lacking in any basis with a report to VP of Research, or proceeds with the Inquiry

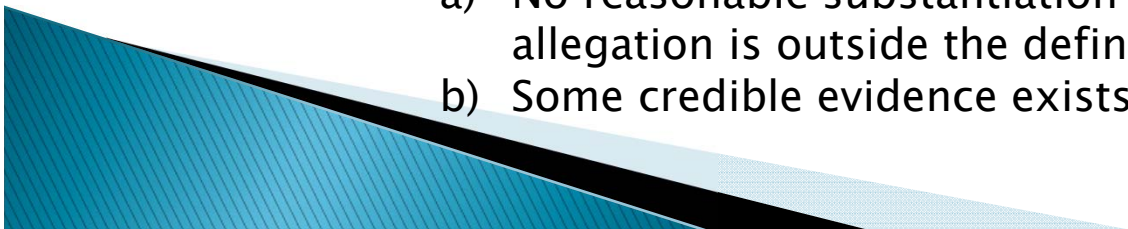
II. Inquiry Review

A. Administrative Officer

1. Notifies Accused in Writing
2. Advises Accused of Procedures
3. Affords Opportunity to Respond
4. Provides Copy of Rule
5. Informs Accused has Right to Legal counsel

B. Performs Inquiry

1. Concludes in 60 days or extends
2. Issues a report to the VP and Accused either (a) or (b):
 - a) No reasonable substantiation of the allegation or the allegation is outside the definition of Research Misconduct.
 - b) Some credible evidence exists to warrant an investigation.



III. Investigation is done by a committee which

1. Examine Records
2. Interview all parties
3. Keep all parties informed
4. Produce draft report and the Accused's response included

If the Allegations are Dismissed:

- Notify all parties
- Save records for three years or longer if federal research

If Research Misconduct is Confirmed:

- Action is taken per University Rules including notifying federal agency and UF sanctions

If a federally sponsored project is involved, the appropriate agency is informed of the decision to proceed with an Investigation and the agency is sent a copy of the report after the Investigation is completed.



The last section of this training is web links to 2 news articles concerning instances of Research Misconduct at the University of Florida. The Gelband case involves falsification and fabrication. The Twitchell case involves plagiarism. Research Misconduct is rare at the University of Florida and there has only 3 been confirmed cases in the past 25 years. Every allegation of Research Misconduct is thoroughly reviewed.

- [Professor resigns following UF probe](#)
- [Plagiarist Punished at Florida](#)

