AGENDA

Responding to Allegations of Research Misconduct
Inquiry, Investigation and Outcomes

June 4-5, 2000
St. Charles, IL

JUNE 4, 2000

7:30a.m. Registration and Check-In

8:30a.m. **Welcome and Review of Agenda by AAAS and ORI**

• Mark S. Frankel, AAAS, Chris Pascal, ORI

8:45a.m Session I: New Federal-Wide Definition and Procedures for Research Misconduct

• Roundtable Discussion: Chris Pascal, ORI, Peggy Fischer, NSF, James Burris, VA, Mark Brenner, Indiana University-Purdue
Moderator: Mark S. Frankel, AAAS

9:45a.m. Open Discussion

10:15a.m. Break

10:30a.m. **Session II: Establishing Institutional Policies and Procedures for Research Misconduct**

• Larry Rhoades, ORI, David Wright, Michigan State University, David Clark, Rush-Presbyterian-St. Luke’s Medical Center
Moderator: Alicia Dustira, ORI

• Survey of Policies: Analysis and Commentary (Rhoades)
• Promoting An Atmosphere Where Allegations and Concerns Can Be Aired
• Deciding Whether It’s Research Misconduct or Some Other Violation of Institutional Policy

11:30a.m. Open Discussion

12:00p.m. **Session III: Responding to Allegations of Research Misconduct**

• Robert Rich, Emory University School of Medicine, Barbara Mishkin, Hogan and Hartson, Washington, DC
Presenter and Moderator: Alan Price, ORI

• Forming Inquiry and Investigation Committees
• Responsibilities and Obligations to Respondent and Accuser
• Documentation: What Research and Accuser Records Must Be Sequestered?
• Is an Investigation Warranted?

12:45 p.m. Open Discussion

1:00 p.m. Lunch with Table Topic Discussions

2:30 p.m. Session III (Continued): The Investigative Process
• Launching a Formal Investigation
• Conducting an Interview
• Standard of Proof: Meeting the “Preponderance of Evidence”

3:30 p.m. Open Discussion

4:00 p.m. Break

4:30 p.m. Mock Case Discussion
Moderators: Mark S. Frankel, AAAS and Rachel Gray, AAAS

6:00-7:00 p.m. Reception

JUNE 5, 2000

8:30 a.m. Continental Breakfast

9:00 a.m. Session IV. Outcomes
• Caroline Elmendorf, OGC, Margaret Dale, Harvard Medical School, Jerry Rosenberg, University of Pittsburgh
Presenter and Moderator: Chris Pascal, ORI
• Disclosure of Findings: To Whom? When? How?
• Writing a Report – Reaching an Institutional Conclusion
• Meeting the Expectations of Federal Agencies
• Imposition of Sanctions/Administrative Actions
• Retaliation Complaints: How to Deal with Them
• Restoring the Reputation of Exonerated Respondents
• Correction and Retraction of Literature
• The Appeals Process

10:00 a.m. Open Discussion

10:30 a.m. Break
11:00 a.m.  **Breakout Sessions**

A. Legal Cases  
*Caroline Elmendorf, OGC, ORI, and Barbara Mishkin, Hogan and Hartson, Washington, DC*

- Review of recently decided and ongoing legal cases related to research misconduct and their implications for federal and institutional policies and procedures.

B. Education  
*Alicia Dustira, ORI, and Jerry Rosenberg, University of Pittsburgh*

- Ways to educate institutions, researchers, faculty and students on issues associated with research misconduct and on fostering an environment conducive to responsible research conduct.

C. Investigative Methods  
*John Dahlberg, ORI and John Krueger, ORI*

- Explore various cutting-edge technological applications (e.g., image analysis) to analyze data involved in a research misconduct investigation.

D. Case Studies on Institutional-Federal Relations  
*Chris Pascal, ORI, and David Wright, Michigan State University*

- Actual cases highlighting relations between ORI and institutions in implementing research misconduct regulations and institutional policies.

E. Assessing and Triaging Allegations of Research Misconduct  
*Margaret Dale, Harvard Medical School, and Peggy Fischer, NSF*

- Criteria and strategies for determining whether allegations of misconduct fall under research misconduct policies and procedures or under other institutional policies.

12:15 p.m.  **Closing Remarks By AAAS and ORI**

12:30 p.m.  **Adjourn**
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1. LIST OF PARTICIPANTS AND CONTACT INFORMATION

2. SPEAKER INFORMATION
   • Contact Information
   • Biographies (in order they appear in the agenda)

3. SPEAKERS SUMMARY REMARKS
   
   **Session I**
   • Chris Pascal
   • Peggy Fischer
   • James Burris
   • Mark Brenner

   **Session II**
   • Larry Rhoades
   • David Wright
   • David Clark

   **Session III**
   • Alan Price
   • Robert Rich
   • Barbara Mishkin

   **Session IV**
   • Chris Pascal
   • Caroline Elmendorf
   • Margaret Dale
   • Jerry Rosenberg

4. ORI POLICIES AND MATERIALS
   • ORI Scientific Misconduct Investigations: 1993-1997. (see binder front pocket)
   • ORI Managing Allegations of Scientific Misconduct: A Guide for Editors (see binder front pocket)
   • ORI Model Policies and Procedures for Responding to Allegations of Scientific Misconduct.
   • ORI Handbook for Institutional Research Integrity Officers
• ORI Offers Rapid Response for Technical Assistance to Institutions

• Tips for Handling Physical Evidence in Scientific Misconduct Cases

• Tips for Sequestration of Physical Evidence in Scientific Misconduct Cases

• Image Processing Useful in Misconduct Investigation

• ORI Newsletter, March 2000.

• 1998 ORI Annual Report

5. OTHER FEDERAL POLICIES AND MATERIALS

• Office of Science and Technology Policy (OSTP)
  • "Proposed Federal Policy on Research Misconduct to Protect the Integrity of the Research Record," Federal Register, Volume 64, Number 198, October 14, 1999.
  • Rachel Gray, "New Plans to Investigate Research Misconduct and Improve Research Integrity," Professional Ethics Report, Volume XII, Number 4, Fall 1999.

• Department of Health and Human Services (HHS)
• **National Science Foundation (NSF)**
  • Letter describing NSF regulations when someone makes an allegation of misconduct in science, engineering, or education.

6. **INSTITUTIONAL POLICIES**

• Baylor College of Medicine
• Emory University School of Medicine
• Harvard Medical School
• Indiana University - IUPUI
• Michigan State University
• Rush - St. Luke’s Medical Center
• University of Pittsburgh (see binder back pocket)

7. **RECENT LEGAL CASES**

• **Berge v. Board of Trustees of the University of Alabama 1996**

• **Angelides v. Baylor College of Medicine, et al. 1997**
  • ORI summary of Angelides Decision, DAB Decision No. Feb. 5, 1999, and Related Civil Suit.

• *University of Arizona (Tucson) v. Marguerite Kay, 1998*

• *Shovlin v. University of Medicine and Dentistry of New Jersey, 1998.*

• *Sheng-Ming Ma V. Columbia University, Princeton University, Duong Phong, Masatake Kuranishi, Robert Friedman, Eduardo Macagno, Elias Stein, 1999*
  - Supreme Court of the State of New York, County of New York: I.A.S. Part 17.

• Other

• List of Other Legal Decisions and Rulings

8. SAMPLE INQUIRY AND INVESTIGATION REPORTS

• Sample Inquiry Report, BCM/Angelides, ORI 93-15
• Sample Investigation Report Section, BMC/Angelides, ORI 93-15
• Sample Investigation Report Attachment, BMC/Angelides, ORI 93-15

9. MOCK CASE AND DISCUSSION QUESTIONS
10. OTHER MATERIALS

- Table of Contents from *Science and Engineering Ethics* Scientific Misconduct Issue. Volume 5, April 1999, and articles:
  - James J. Dooley and Helen M. Kerch, "Evolving Research Misconduct Policies and Their Significance for Physical Scientists."
  - Lawrence J. Rhoades, "The American Experience: Lessons Learned."


11. BIBLIOGRAPHY
June 4-5, 2000

St. Charles, IL

A PRACTEM

INQUIRY, INVESTIGATION, AND OUTCOMES

RESPONDING TO ALLEGATIONS OF RESEARCH MISCONDUCT