

# What is SCIENTIFIC misconduct and how should it be handled?

Alison Lakin, RN, LLB, LLM, PhD  
Associate Vice Chancellor for Regulatory Compliance



# Housekeeping

## Zoom Etiquette:

- Silence personal devices.
- Stay muted when not talking.
- Set up in a quiet location.
- Remain attentive. Avoid checking email/phone/web.
- Use the Chat function to ask questions or get technical help.
- Use your full name, not an alias.

## Receiving credit for attendance:

- To satisfy the [NIH Requirement for Instruction in the Responsible Conduct of Research](#), the following are required in order to receive credit for attendance:
  - **Attend the full 90 minutes of the training.** Attending any 8 out of the 9 RCR seminars we offer will satisfy the NIH requirement.
  - **Keep your video camera on throughout the session.** NIH requirements for RCR training specify face-to-face discussion.
  - **Participate interactively throughout the session.** Participate in discussions, respond to polls, and sign the attendance sheet (link will be distributed in the Chat).



# For Vote Who is the audience?

1. Select your primary university position or affiliation:

- PI/Faculty
- PRA/Researcher
- Study Coordinator
- DFA/Admin Support
- Other

2. Are you primarily working on campus or remotely/from home?

- On campus
- Remote

3. If you had the option, how would you prefer to attend RCR classes?

- In person (e.g., on campus in an auditorium)
- Online (e.g., Zoom)



The Research Integrity Officer (RIO) has lead responsibility for ensuring that the institution:

- Takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research, research training, and activities related to that research or research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct.
- Informs its institutional members who are subject to 42 CFR Part 93 or applicable policy about the research misconduct policies and procedures and the Institution's commitment to compliance with those policies and procedures.
- Takes appropriate interim action during a research misconduct proceeding to protect public health, federal funds and equipment, and the integrity of the PHS supported research process.



**For Vote** Who do you contact if you have concerns about possible misconduct?

- a. The PI of the lab
- b. The Department Chair
- c. The RIO
- d. The Ombuds Office



# Definition of research misconduct at CU Denver | Anschutz Medical Campus:

- **Fabrication, falsification, plagiarism** and other forms of misrepresentation of ideas, and other serious deviations from accepted practices in proposing, carrying out, reviewing, or reporting results from research
- **Failure** to comply with established standards **regarding author name** on publications





# Definition of research misconduct at CU Denver | Anschutz Medical Campus continued:

- ***Fabrication*** is making up data or results and recording or reporting them
- ***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
- ***Plagiarism*** is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit



# Fabrication is making up data or results and recording or reporting them

- Diederik Stapel, a Dutch social psychologist, perpetrated an audacious academic fraud by making up studies that told the world what it wanted to hear about human nature. *[Read: New York Times, By Yudhijit Bhattacharjee, Published: April 26, 2013]*
- When challenged with specifics — to explain why certain facts and figures he reported in different studies appeared to be identical — Stapel promised to be more careful in the future. As Zeelenberg pressed him, Stapel grew increasingly agitated.
  - » Finally, Zeelenberg said: “I have to ask you if you’re faking data.”
  - » “No, that’s ridiculous,” Stapel replied. “Of course not.”

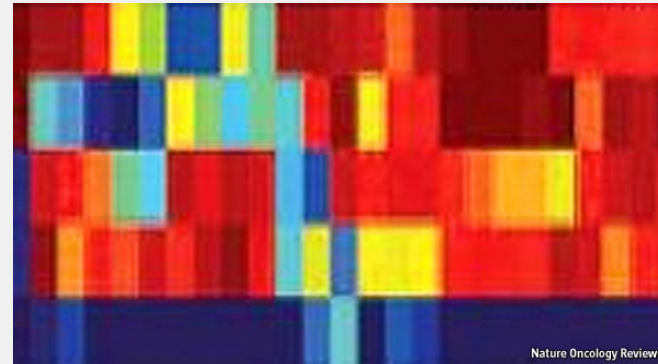
- **Be wary of perfect data**





# Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results in the research record

ANIL POTTI, Joseph Nevins and their colleagues at Duke University in Durham, North Carolina, garnered widespread attention in 2006. They reported in the *New England Journal of Medicine* that they could predict the course of a patient's lung cancer using expression arrays



Keith Baggerly and Kevin Coombes, had begun to find serious flaws in the work.

[*The Economist* Sept. 10, 2011]



**Plagiarism** is the appropriation of other person's ideas, processes, results, or words without giving appropriate credit

80% of the findings of research misconduct by NSF over the last 10 years involve plagiarism?



# For Vote Why does plagiarism seem to have increased?

- a. Scientists are less ethical
- b. Social media makes science more accessible
- c. Journals on line are easier to plagiarize
- d. Journals and granting agencies use detection software

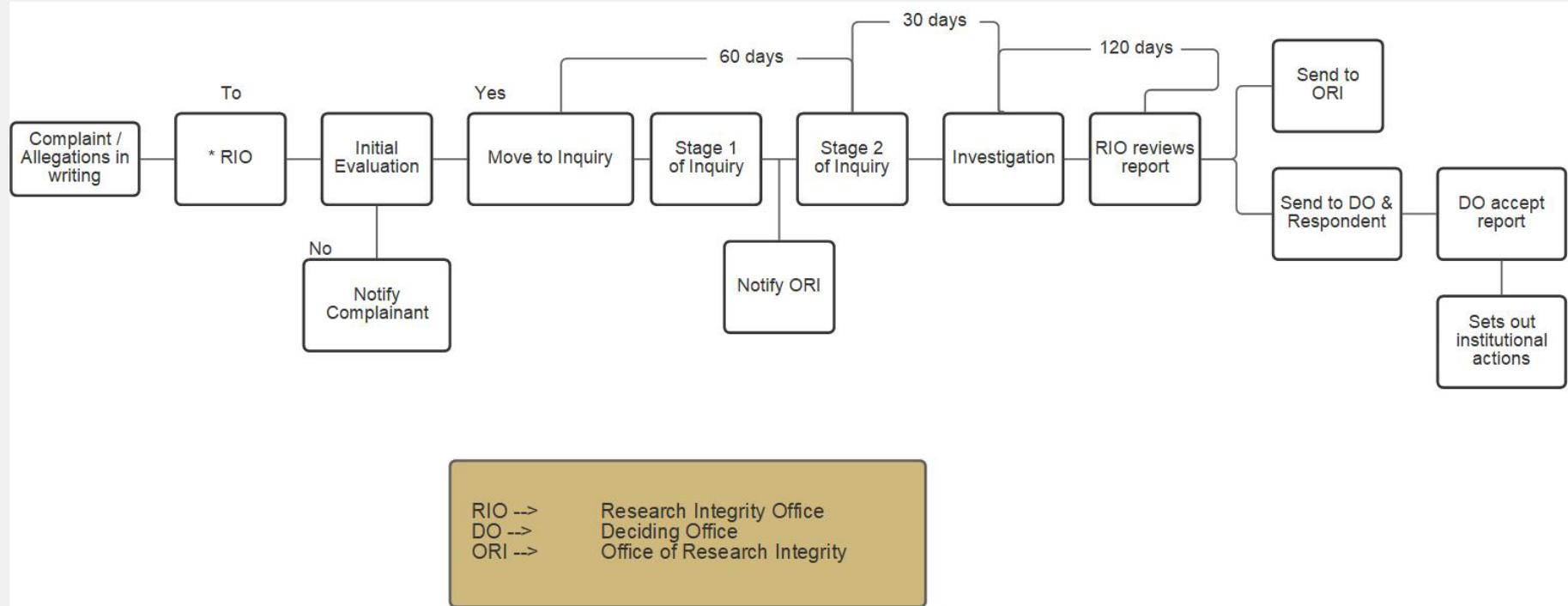


# Sequestration:

- The RIO shall, on or before the date on which the Respondent is notified of the allegation, take all reasonable and practical steps to obtain custody of all records and evidence necessary to conduct the inquiry.
- The RIO shall inventory and sequester all such records and evidence in accordance with the guidance document on sequestration. The RIO shall confer with the Respondent to identify the records and evidence needed for the inquiry and the best means of preserving and maintaining the integrity of the records and evidence.
- Where the records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments.
- The RIO may consult with NIH/PHS or other similar parties for advice and assistance in this regard.



# Process flow Summary:



# Burden of Proof:

- **Respondent** has the burden of proving **by a preponderance of the evidence** any affirmative defenses raised, including honest error or a difference of opinion

Note:

- In a **criminal** case, the prosecutor bears the **burden** of proving beyond a reasonable doubt every element of the **crime**



# When does falsification, fabrication and/or plagiarism = research misconduct?

A preponderance of the evidence establishes that:

1. The conduct meets the policy definition of research misconduct
2. The research misconduct is a significant departure from accepted practices of the relevant research community
3. The respondent committed the relevant research misconduct intentionally, knowingly, or recklessly





## Attendance, Case Studies, & Discussion

**Sign the Attendance Sheet by  
clicking the link in the Chat.**



# Case from On Being a Scientist - National Academy of Sciences:

- You are just months away from finishing your Ph.D. dissertation when you realized that something was seriously amiss with the work of a fellow graduate student, Jimmy. You are convinced that Jimmy was not actually making the measurements he claimed to be making.
- You share the same lab, but Jimmy rarely seemed to be there.
- Sometimes you saw research materials thrown away unopened.
- The results Jimmy was turning in to their common thesis advisor seemed too clean to be real.



## Part 2

You will soon need to ask your thesis adviser for a letter of recommendation for faculty and postdoctoral positions. If you raise the issue with your adviser now, you are sure that it would affect the letter of recommendation.

Jimmy is a favorite of his adviser,



## Part 3

- You and Jimmy are working with your thesis advisor on a manuscript together using data from both of them.
- Both you and your thesis adviser are planning to use Jimmy's results in a federal grant submission.



# Main Challenges when issues arise:

- Document management
- Version control
- Photoshop
- Original data integrity
- Analysis documentation
- Long term storage
- Identifying specific data in manuscripts



# Contacts:

**Research Integrity Officer:**

[Alison.lakin@cuanschutz.edu](mailto:Alison.lakin@cuanschutz.edu)

303-724-0982

**Scientific Research Integrity  
Officer CU Anschutz Medical  
Campus:**

[john.repine@cuanschutz.edu](mailto:john.repine@cuanschutz.edu)

303-724-4783

