

Minutes of the Professional Standards Committee  
**February 22, 2012**

**Present:** Kris Bartanen, Geoffrey Block, Alva Butcher (Chair), Leon Grunberg, Jennifer Hastings, Andrew Rex, Seth Weinberger, Doug Sackman and Lisa Ferrari and Garrett Milam from the IRB

The Chair called meeting to order at 11:00. Minutes from last meeting were approved.

Institutional Research Board, IRB, representatives were invited to this meeting in line with the following Faculty Senate charge to the PSC

1. Consult with the IRB as they review the "Scientific Misconduct Policy" and suggest changes to existing documents as needed to achieve consistency among the various response processes in the case of research misconduct.

The PSC chair sent the following questions/concerns to the IRB chair in preparation for this meeting:

Is there a need for separate policies?

We were concerned about the discrepancies between the Scientific Misconduct Policy, SMP, and the grievance process established in the Faculty Code, in particular the differing time lines and the whistleblower protection.

In the memo provided to the PSC by the IRB chair, the possibility was raised of broadening the scope of the SMP to cover "all research activities associated with the University, not just scientific research." However, broadening the policy to the whole faculty raised certain concerns including whether it was appropriate to adjudicate these disputes through a process not part of the Faculty Code.

Does the SMP exist as a requirement for applying for and receiving federal grants?

The SMP document was drafted in 1997. Does it reflect the current requirements for applying for and receiving federal grants?

Lisa began by providing some background on the Federal Laws in the area of Scientific Research:

The Office of the President issued a Federal Policy on Misconduct in Research in 2000 with the intent that all Federal Agencies be in compliance with this policy. Of particular concern to our IRB is the Department of Health and Human Services (HHS). The misconduct rule of the HHS

is referred to as “The Common Rule”. Other federal agencies that fund research have signed on to this rule.

Lisa shared that there was an announcement from the Federal government that the Common Rule was to be revised and there was a request for input on the draft—there was a lot of commentary and the comment period has been extended. No date for implementation of a revised Common Rule is known. Federal law requires that the institution have a Scientific Misconduct Policy to receive federal funds for research. A change that is being discussed is that if any research is funded at an institution all research must be in compliance with federal policy.

The University of Puget Sound SMP refers to the “Public Health Service” because the Public Health Service is the branch of the Department of Health and Human Services which includes the Office of Research Integrity, to which the university reports annually.

The Puget Sound IRB follows “best practice” which is to have research vetted in accord with the federal standards. Our current policy is that all research with live human subjects should go through the IRB. Lisa reviewed the levels of IRB review for the committee.

Committee members discussed what is and is not “human subjects” research

Puget Sound does have a policy (written in 1997) which does/would suffice as a policy but it is considerably misaligned with the Faculty Code. Therefore as it now stands we do not have a working system for response to allegations of scientific research misconduct.

Garrett clarified points driving the IRB proposal:

- The federal law requires whistleblower anonymity whereas the Faculty Codes provides a right to confront accuser.
- Students or staff could be potentially involved in scientific research misconduct and they are not covered by the Faculty Code.
- The IRB recommends that all cases involving allegations of research misconduct first be submitted for review under the current procedures of the Scientific Misconduct Policy. If there remain unresolved issues not directly related to research at the conclusion of this process, the grievance process could be instituted to deal with these issues following the procedures specified by the Faculty Code. This grievance could be brought by the university to maintain the anonymity of the whistleblower (a requirement of the federal law in cases of research misconduct.)

Kris pointed out that there was a parallel policy in the case of discrimination and sexual misconduct whereby the complainant can be anonymous with the allegation brought forward by the Harassment Officer.

Committee discussed the disparate timelines and how to reconcile these.

An idea was brought forward that an individual accused of scientific research misconduct may wish a more expedient resolution and request to proceed under the Faculty Code grievance procedure.

Committee determined that this should not be an option as there was no grievance filed but an allegation of scientific research misconduct (the manner of charge should dictate the procedure)

A point was made that if the Faculty Code grievance currently allows “scientific research misconduct” as a category of grievance this would require an amendment to the Faculty Code.

Our SMP defines “scientific misconduct” as fabrication, falsification, or plagiarism. the Faculty Code Ch. 1, Part D, Section 4, which discusses violation of professional ethics is an area which pertains to this current discussion

Potential resolutions were discussed:

- Amend the Faculty Code to explicitly state that the grievance process does not apply when the complaint is covered by the Federal law on Scientific Research Misconduct.
- An interpretation of the Faculty Code may suffice for the above clarification
- The Scientific Research Misconduct policy is used to the point of sanction and then process moves to Faculty Code

The Committee briefly discussed if this matter could be tabled until the revision of the Common Rule was published and it was re-iterated that we do not have a currently functioning system so something must be done.

Meeting adjourned at 11:55

Respectfully submitted,

Jennifer Hastings