Information

Model Procedures for Resolving Disputes in Research or Scholarly Activity

Effective

May 23, 2007

Administrative Authority

Executive Vice President for Research and Innovation

Responsible Unit

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History

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References: Wake Forest, Drexel, Michigan State, Pennsylvania

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Categories

Reason for Procedure:

BACKGROUND

The University of Louisville recognizes the diverse nature of scholars within its community and urges the units and departments to utilize this model document as a guidance to develop specific procedures to resolve disputes in research and scholarly activity.

In general, issues related to research and scholarly activity should be freely discussed and decided upon prior to the initiation of the project and prior to the completion of the final work product (manuscript, report, presentation, composition,

artwork, etc.). However, agreements relating to attribution or credit may need to be changed throughout the life of the activity. Possible disagreements include interpretation of the criteria for authorship, order of listing of authors, use of laboratory equipment, or future use of work product.

Statement:

In this document, a model procedure for resolution of disputes over research or scholarly activity is outlined along with a timetable for each step. It is recognized that extensions in the time to resolve a dispute may be necessary. When this occurs, the reason(s) for the delay in completion should be documented in the final report. All matters related to resolution of research or scholarly activity disputes should be held in a confidential manner as much as possible. It is intended that the resolution procedures outlined in this procedure should model the grievance procedures outlined in the Redbook, where appropriate.

Disagreements between or among collaborators should ideally be resolved in a collegial manner by the Project Director in consultation with the other collaborators(s), relevant project personnel, and any other individual who claims significant contribution to the project. Generally, the Project Director has the primary responsibility for making decisions related to the final work product, but the Institution stresses the importance of including input from all significant contributors before reaching a final decision. When major decisions regarding the project are made or modified, it is important that the Project Director communicate this information to all project personnel and place written documentation of the decision or modification in the master project file.

When disputes cannot be resolved in a satisfactory manner by the Project Director, other collaborator(s), project personnel, and other individuals who claim significant contribution to the project, the Project Director and/or other project personnel should present their dispute in writing to the appropriate Department Chair(s). The Departmental Chair(s) should meet with the individuals involved in the dispute, collect and retain appropriate information, and make a recommendation in writing as to resolution within 60 business days of receiving the request for review. The work product in question should not be finalized before these issues are resolved.

When the dispute involves the Chair, or if the Chair has a major conflict of interest, or if the dispute involves more than one department or unit, then a neutral mediator

will be appointed by the Dean(s) or designee(s). The mediator should hold the rank of tenured professor and make a recommendation to the Chair(s) within 60 business days. The Chair(s) should notify the Dean(s) should the mediation reach an impasse.

In the event that a satisfactory resolution still cannot be achieved by the Departmental Chair(s) or by a neutral mediator, the Dean(s) (or designee(s)) will appoint at least three senior faculty members, from departments other than the involved department(s), (one of whom will serve as Committee Chair) to a panel to investigate the dispute. In the case of disputes involving faculty member(s) from multiple units within the University of Louisville, panel membership should reflect representation from all affected units. The Dean(s) or designee(s) will request panel members to declare any conflicts of interest that may preclude their participation on the review panel. Any declared conflicts of interest will be documented and the Dean(s) will make a final determination as to whether the conflicted individual will be allowed to participate on the review panel.

The review panel will not include individuals with personal responsibility for the project, but should include faculty members with unique qualifications relative to the dispute in question (i.e., scholarly expertise, training of graduate students, active peer-reviewed activity, etc.). Within 75 business days, the panel will make a recommendation in writing to the Dean(s). The Dean(s) will evaluate this recommendation and render a decision within 10 business days. The decision of the Dean(s) is final.

At any time during the application of this procedure, the individual bringing forth the concern or complaint can withdraw the request for review and the procedure will be terminated. Please note: if the original request for review results in an allegation of research misconduct, terminating the request for review will not result in a termination of the Research Misconduct Proceedings.

Disputes Involving Collaborators from Multiple Sites

Procedures related to the completion of the project aims and final work product should be determined and accepted by all participating individuals at the beginning of any multi-site project. It is recommended that decisions related to possible authorship or credit, expenditure of project funds, dissemination of results, etc. should be established at the beginning of the project and documented in the master

project file. Establishing these guidelines at the beginning of the project serves to expedite, coordinate, and monitor the project development and completion processes. In addition, it provides a framework for future discussions involving any modifications.

When participating in a multi-site project, it is the responsibility of the entire project team to determine procedures to resolve disputes related to the project. As with single-site projects, many difficulties in completing the project can be avoided if these decisions are agreed upon by all participants in advance, communicated to all parties and documented for future reference.

If a dispute between collaborators from separate sites does arise, the solution to the dispute should arise from within the organizational structure of the multi-site project. If a dispute cannot be resolved, the principle of academic freedom generally indicates that an individual has the right to present those work products for which he/she is contract custodian. However, this right should be tempered by the concept of collegial collaboration. It is unacceptable for an individual to publish or present a final work product before the complete project group has had a reasonable opportunity to do so.

EXAMPLES OF DISPUTES COVERED BY THIS MODEL PROCEDURE

These examples are meant to be illustrative of the disputes individuals may encounter when participating in research or scholarly activity. They are not intended to be exhaustive. Allegations of Falsification, Fabrication and Plagiarism are covered by the Policy and Procedures for Responding to Allegations of Research Misconduct (PDF) which can be found at: http://louisville.edu/research/integrity/responding-to-allegations-of-research-misconduct-pdf (PDF). Disputes involving intellectual property should be resolved in consultation with the Office of Technology Transfer.

- Inclusion of Investigatorship.
- Order of Authorship.
- Attribution vs. Authorship Credit.
- Use of data resulting from a previous collaboration
- Auxiliary use of equipment procured for the project.
- Misappropriation of the Ideas of Others (not meeting the definition of plagiarism).