

## 7.8 Standards in the Conduct of Research

Policy updates may be found on the Vice President for Research website.  
<http://www.southalabama.edu/vpresearch/index.html>

The University of South Alabama does not tolerate misconduct in any form of research or scholarly activity. The University of South Alabama has adopted the definition of misconduct as stated by the Office of Science and Technology Policy (OSTP) to include the following:

1. Fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research, or in reporting research results. 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. Research misconduct does not include honest error or differences of opinion.
2. A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research community; and the misconduct be committed intentionally, or knowingly, or recklessly; and the allegation be proven by a preponderance of evidence (65 FR 76260).

The University of South Alabama will undertake diligent efforts to protect the position and reputation of the complainant, protect the complainant's privacy to the maximum extent possible, and provide the complainant with those portions of the investigation report that address his or her role and opinions (42 CFR 50.103(d)(2) and (13) and 50.104(a)(2), respectively). In addition, the University will handle complaints of retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith (45 CFR Part 689 section 1 and the Office of Research Integrity (ORI) Guidelines for Institutions and Whistleblowers).

This policy applies to all research activities regardless of funding source. It is to be used by the University and its various schools and colleges conducting fundamental or applied research as well as other forms of scholarly activities. The following university-wide procedure for dealing with charges of misconduct applies to all students, faculty, staff, and employees of the University of South Alabama.

### **Reporting Misconduct**

Issues of research misconduct involving University personnel engaged in activities outside the University must be directed to the Office of the President of the University. In the event of such allegations, the President shall immediately notify the Senior Vice President for Academic Affairs, the Vice President for Research or the Vice President for Health Sciences (as appropriate) and the dean of the involved school(s) or college(s).

This regulation does not deal with questions of Animal Welfare or the Protection of Human Subjects in research. Questions of misconduct in these areas should be directed to the Office for Human Research Protection (OHRP) of the National Institutes of Health (NIH) through the corresponding University committees responsible for those activities. For issues concerning potential violations of Food and Drug Administration (FDA) regulated research, all questions

should be referred to the FDA Office or Regulatory Affairs. (NOTE: The Dean, College of Medicine is the University signatory in these areas.)

For allegations of misconduct within the University, the accuser should report his/her concern to the department chair. The chair shall immediately notify both the faculty member(s) against whom the allegations have been made and the dean of the involved school or college. If the accuser feels substantial discomfort in first reporting to the chair of his/her department and feels he/she can substantiate this allegation, then the dean of his/her school or college may be contacted directly to report the allegation of misconduct. In this case, the dean will notify the department chair. In all cases, the dean must initiate the inquiries. So-called "hearsay evidence" (e.g., gossip, third-party report) alone is not adequate cause to warrant an inquiry.

### **Inquiry**

Once the allegation has been made and the above parties have been notified, the dean will determine if further investigation is warranted. If so, an inquiry is initiated. At the outset of the inquiry, the accused parties shall be informed in writing by the dean of the complete allegations against him/her. The University of South Alabama and its schools and colleges shall protect the rights and reputation of all parties involved in allegations of research misconduct. Therefore, in all matters of inquiry of research misconduct, the dean shall attempt to afford maximum confidential treatment of all affected individuals, and shall see that a prompt and thorough examination occurs and that all affected parties have a reasonable opportunity to comment on all allegations and findings of the inquiry within the college and/or following investigation by the University Committee Standards in the Conduct of Research. The accuser(s) should be informed that if the accusations have merit, and his/her testimony is required by either the ad hoc committee or the Committee on Standards in the Conduct of Research, his/her anonymity may not be protected any longer.

If the allegations appear to have merit and there is evidence of wrongdoing, the dean of the college will appoint an ad hoc committee of inquiry, composed of three persons who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the inquiry or investigation. Ad hoc committee members selected for the inquiry should not have published any manuscripts or scientific reports or made any joint research support applications with either the accuser or the accused. The ad hoc committee will be composed of full-time tenured members of the faculty or the administration. At least one of the ad hoc committee members must be a tenured full-time faculty member. If two or more colleges are involved, the respective deans of those colleges shall convene a joint ad hoc committee of inquiry. Other authors of multi-authored reports detailing investigation may share equally the responsibility for the veracity and authenticity of any reports or publications questioned as representing misconduct. The inquiry, including the report, shall be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. If no grounds for misconduct are found by the inquiry, the dean, in consultation with the accused, shall act to protect the reputation of the accused as outlined herein.

Following the inquiry, a written report must be prepared by the ad hoc committee conducting the inquiry that lists any evidence of wrongdoing which the committee may have confirmed in its initial deliberations, names of the accused party(ies), a statement that this evidence has been reviewed, summarizing relevant interviews, and including the conclusions of the inquiry. The individual(s) accused shall receive a copy of the report immediately, and shall be invited to comment in writing. If the accused party(ies) comment(s) on that report, those comments may be

a part of the record. If the inquiry takes longer than 60 calendar days to complete, the record shall include documentation of the reasons for exceeding 60 calendar days.

In the case of federally funded research, the institution will take appropriate interim administrative actions to protect Federal funds and insure that the purpose of the Federal financial assistance are carried out.

If the inquiry committee determines that no formal investigation is required, the dean of the college shall maintain detailed records and documentation of the inquiry to permit later assessment of the reasons for determining that an investigation was not warranted. These records must be maintained for three years after termination of the inquiry in the dean's office. These confidential records must be supplied to the Director of either the Office of Research Integrity (ORI) or Office of the Inspector General (OIG) of the National Science Foundation (NSF) upon formal request and receipt of a reasonable explanation. The accused party(ies) must be informed in writing by the dean of the reasons given by the ORI or the OIG for requesting these records.

### **Requirements for Reporting to ORI**

#### a. Commencement of an investigation

The institution's decision to initiate an investigation will be reported by the Institutional Official in writing to the Director, ORI, on or before the date the investigation begins. At a minimum the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the PHS definition of scientific misconduct, and the PHS applications or grant number(s) involved. Written notification will also be provided to PHS or NSF. ORI will be notified of the final outcome of the investigation and provided with a copy of the investigation report. PHS and NSF will be notified of the outcome of an inquiry involving funds from their agency only if the results include a recommendation to conduct a full investigation.

#### b. Early termination

If the University plans to terminate an inquiry/investigation for any reason without completing all relevant federal requirements under 50.103(d), a report of such planned termination, including a description of the reasons for such terminations, shall be made to the Office of Research Integrity. ORI will then decide whether to further investigation should be undertaken.

#### c. Written request for time extension

If the institution determines that it will not be able to complete the investigation in 120 days, the Institutional Official will submit to the ORI a written request for an extension that explains the delay, reports on the progress to date, estimates the date of completion of the report, and describes other necessary steps to be taken. If the request is granted, the Institutional Official will file periodic progress reports as requested by the ORI.

When PHS or NSF funding or applications for funding are involved and an admission of scientific misconduct is made, the Institutional Official will contact ORI for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. When the case involves PHS funds, the institution cannot accept an admission of scientific misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI.

d. Interim reports

The institution will promptly advise ORI of any developments during the course of the investigation which disclose facts that may affect current or potential DHHS funding for individual(s) under investigation or that the PHS needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

e. Special notifications

The dean of the involved school or college is to advise the Institutional Official if any of the circumstances listed below are discovered. The Institutional Official will notify the ORI at any stage of the inquiry or investigation if the following are reported:

- an immediate health hazard
- an immediate need to protect federal or University funds or equipment
- an immediate need to protect those making the allegation, those accused or any of their associates
- likelihood that an alleged incident will be reported publicly
- the allegation involves a public health sensitive issue (e.g., clinical trial)
- a reasonable indication of a possibly criminal violation

If there is a reasonable indication of possible criminal violation, the ORI will be notified within 24 hours of obtaining that information.

f. Final outcome

The final report of the investigation should include a description of the policies and procedures under which the investigation was conducted, information obtained and the sources of such information, an accurate summary of the position of the individual under investigation, the findings of committee, including the bases for its findings, and the committee's recommendation to the Institutional Official concerning whether the evidence of scientific misconduct is sufficient to warrant discipline or dismissal under the applicable faculty or academic staff personnel rules. All documentation of the investigating committee and information comprising the record of the investigation, shall be transmitted to the Office of the President with the report, upon completion of the investigation.

**Investigation**

Formal investigation will be initiated if the ad hoc committee of the college finds cause as a result of the inquiry. All information will be provided by the dean to the Committee on Standards in the Conduct of Research. The Committee must be composed of full-time tenured faculty members who are experienced in research and who have no involvement in the research effort in question. Individuals will be appointed to the investigation committee who do not have real or apparent conflicts of interest in the case and are unbiased. At least one committee member must have knowledge in the field of study of the accused.

At this point, the dean will consult and review the matter with the University Attorney and either the Senior Vice President for Academic Affairs, the Vice President for Research or the Vice President for Health Sciences. The dean(s) of the school(s) or college(s) where charges have arisen shall be responsible to the Committee on Standards in the Conduct of Research and the

Senior Vice-President for Academic Affairs/Vice President for Health Sciences for overall compliance with these procedures.

Either the University or the accused party may have legal counseling during the interviews with either the inquiry committee, the investigation committee, or the Committee on Standards in the Conduct of Research. All involved parties shall be notified if an attorney is to be present. The attorney can act as an advisor only and may not address the committee.

The dean(s) of the school(s) or college(s) involved shall notify any funding agency supporting this research if these agencies require notification in the event of an allegation of research misconduct.

If the research carried out by the accused is sponsored by the Public Health Service (PHS), the dean(s) of the school(s) or college(s) involved shall immediately notify the ORI following the procedures described in Section 493 of the PHS Act, Sub-part A to 42 CFR Part 50 dealing with "Responsibilities of Awardee and Applicant Institutions for Dealing With and Report of Possible Misconduct in Science."

If the research carried out by the accused is sponsored by the NSF, the dean(s) of the school(s) or college(s) involved shall notify at this time the OIG of the NSF following the procedures described in 45 CFR Part 689 section 3 dealing with "Misconduct in Science and Engineering."

The Committee on Standards in the Conduct of Research must undertake its investigation of the allegations revealed by the inquiry of the school or college within 30 calendar days after notification by the dean of the involved school or college that sufficient basis for an investigation is found. The investigation should be complete and report submitted to the ORI within 120 calendar days of initiation of investigation. Such an investigation shall include examination of all documentation of misconduct, including but not limited to relevant research data, publications, correspondence, and memoranda of telephone calls. Whenever possible, interviews should be conducted with all individuals involved, either in making the allegations or against whom the allegations are made, as well as individuals who might have information regarding key aspects of the allegations. When deemed necessary by the dean(s) or by the Committee on Standards in the Conduct of Research, appropriate scientific review must be secured to carry out a thorough, authoritative and fair evaluation of the relevant evidence in any inquiry or investigation. Complete summaries of those interviews, dated and witnessed, should be prepared, provided to interviewed parties for comment or revisions, and included as a part of the investigation/inquiry file. All this information must be provided to the accused party(ies) in a timely manner.

If the subject research by the accused investigator is supported by federal funds through NSF or PHS, the OIG or the ORI, respectively, must be notified of the final outcome of the investigation and all documents made available to them. A permanent record of the committee's report, exhibits, records, minutes of investigational meetings, etc. should be kept in the office of the Senior Vice President for Academic Affairs/Vice President for Health Sciences.

The dean and the University's administration will undertake diligent efforts to restore the reputations of persons alleged to have engaged in research misconduct when allegations are not confirmed, and also to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, have made the allegations.

The University shall impose sanctions on individuals when allegations of misconduct in research have been substantiated through the due process herein described. Sanctions shall include: 1)

notification of the sponsoring agency; 2) a demand of withdrawal of all papers and abstracts emanating from the fraudulent research with appropriate notification of the involved journal editors and societies; 3) notification of institutions and sponsoring agencies with which the individual has had past research associations if there is any question about the authenticity or validity of that research activity as revealed in the inquiry or investigation; and 4) any sanction imposed by the President of the University through the faculty disciplinary process.

In order to protect the integrity of the University, institutional administrators, in consultation with legal counsel, shall consider release of information to the public to protect the University and the public interest.

Appeals of findings of misconduct in research should be directed in writing to the Senior Vice President for Academic Affairs/Vice President for Health Sciences and copied to the appropriate dean(s) of the schools and college(s) within ten days after receiving notice of the findings. The Vice President will review the grounds for an appeal with the University Attorney. This review shall be limited to the adequacy of the procedures followed and to the appropriateness of the disciplinary action taken. All involved parties will be notified, in writing, of the appeal decision within ten days. The Vice President's decision is final and no further appeal is allowed.

It is noteworthy that in cases where the inquiry or investigation reveals substantive evidence of malicious intent by an accuser to cause harm to the reputation of the accused where no wrongdoing is in evidence, the University of South Alabama will not be able to prevent legal action brought by the accused against the accuser. In such matters, the University of South Alabama shall have no responsibility in the legal defense of the accuser or in abetting the legal actions brought by the accused.