

NUMBER: 16.1.04**DATE: 07/15/1996****REVISION: 08/01/2012; 05/14/2019****PAGE: 1 of 10****SECTION: RESEARCH****AREA: RESEARCH ADMINISTRATION****SUBJECT: RESPONSIBLE CONDUCT OF RESEARCH**

I. PURPOSE

The purpose of this policy is to define actions that constitute Research Misconduct and establish procedures for responding to allegations of Research Misconduct in a thorough, competent, objective, fair, and timely manner.

II. SCOPE

This policy applies to allegations of Research Misconduct in proposing, conducting, or reporting research, or performing research training or other activities related to research or research training and to all Institutional Members who are involved in such activities on behalf of UAMS. This policy does not apply to authorship or collaboration disputes or other general matters not within the definition of Research Misconduct.

With respect to students, scholastic dishonesty by a student in the performance of academic work shall be resolved in accordance with established collegiate policies and procedures. However, in cases where a student is accused of misconduct while working on sponsored UAMS research, the question of whether Research Misconduct occurred will be determined according to this policy and the sponsor's regulations.

III. DEFINITIONS

Allegation means a disclosure of possible research misconduct through any means of communication. The disclosure may be a written or oral statement or other communication to an administrative official.

Arbitrary and Capricious means an absence of a rational connection between the facts found and decision made.

Complainant means a person who makes an allegation of Research Misconduct.

Deciding Official (DO) means the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The Deciding Official will not be the same individual as the Research Integrity Officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment. The Chancellor will designate the DO for UAMS. In the event the designee has an unresolved personal professional, or financial conflict of interest with a Respondent or Complainant in a Research Misconduct proceeding, the Chancellor shall designate a non-conflicted individual to serve as the DO for the proceeding.

Evidence means any document, tangible item, or testimony offered or obtained during a Research Misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

Good Faith means having a belief in the truth of one's allegation or testimony based on the information known at the time. An allegation or testimony is not in good faith if made with knowledge or reckless disregard of information that would negate the allegation or testimony.

Inquiry means preliminary information gathering and preliminary fact finding. An Inquiry does not reach a final conclusion about whether Research Misconduct has occurred or who was responsible.

Institutional Member means a person who is employed by, is an agent of, or is affiliated by contract or agreement with UAMS. Institutional Members may include, but are not limited, to institutional officials, faculty, teaching and support staff, researchers, research coordinators, clinical technicians, postdoctoral and other fellows, students, volunteers, agents, and contractors, subcontractors, and subawardees, and their employees.

Investigation means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of Research Misconduct or to a recommendation for a finding of Research Misconduct which may include a recommendation for other appropriate actions.

Research includes all basic, applied, and demonstration research, including all fields of science, medicine, engineering, mathematics and social sciences and encompassing research training, applications or proposals for support of research or research training, regardless of whether an application or proposal resulted in a grant, contract, cooperative agreement, or other form of support, and research related activities.

Research Integrity Officer (RIO) means the institutional official who is responsible for implementing this policy and handling allegations of research misconduct. The Chancellor shall designate the RIO for UAMS. In the event the designee has an unresolved personal, professional, or financial conflict of interest with a Respondent or Complainant in a Research Misconduct proceeding, the Chancellor shall designate a non-conflicted individual to serve as the RIO for the proceeding.

Research Misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- a) Fabrication is making up data or results and recording or reporting them.
- b) Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that research is not accurately represented in the Research Record.
- c) Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- d) Research misconduct does not include honest error or differences of opinion.

Research Record means the record of data or results that embody the facts resulting from scientific inquiry, including, but not limited to, research proposals, laboratory records, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents or materials relevant to the Research Misconduct proceeding.

Respondent means the person against whom an allegation of Research Misconduct is directed or who is the subject of a Research Misconduct proceeding.

Retaliation means an adverse action taken against a complainant, witness, or committee member by the institution or one of its employees in response to a Good Faith allegation of Research Misconduct or Good Faith cooperation with a Research Misconduct proceeding.

IV. POLICY

The University of Arkansas for Medical Sciences (UAMS) is committed to promoting practices that assure academic research is designed, conducted, and reported under the highest possible standards of honesty and integrity and in accordance with established professional norms and ethical principles. All Institutional Members shall be informed of this policy and their responsibility for fostering an environment that promotes the responsible conduct of research, research training, and related activities and which does not tolerate misconduct in any aspect of research activities.

A. Responsibilities.

1. **Reporting Requirement.** All Institutional Members are responsible for promptly reporting any suspected Research Misconduct to the RIO. Reports should include a detailed description of the allegation and any supporting evidence or documentation available. Reports must be made in Good Faith. Appropriate disciplinary action shall be taken against any individual who makes an allegation of Research Misconduct in the absence of Good Faith.
2. **Confidentiality.** Disclosure of the identity of Respondents and Complainants, and disclosure of any records or evidence from which research subjects might be identified, shall be limited to those who need to know in order to carry out the Research Misconduct proceeding and comply with applicable laws and regulations. All such individuals, as well as Complainants, Respondents, and witnesses are required to maintain confidentiality of all information and activities related to the conduct of Inquiries and Investigations to the extent possible and allowed by law.
3. **Cooperation.** Complainants, Respondents, and witnesses are responsible for cooperating fully with the RIO and other institutional officials during reviews of allegations and conduct of any resulting Inquiries and Investigations.

4. **Protection from Retaliation.** UAMS shall take reasonable and practical efforts to protect or restore the position and reputation of any Complainant, witness, or Inquiry or Investigation committee member and shall take appropriate disciplinary action against any individual who retaliates against someone for making an allegation of Research Misconduct or participating in a Research Misconduct proceeding.

- B. Research Misconduct Proceedings.** All allegations of Research Misconduct shall be reviewed by the RIO, who shall promptly determine if the allegation is sufficiently credible and falls within the scope of this policy. Allegations that do not fall within the scope of this policy shall be referred to the appropriate administrative official with responsibility for addressing the issue.

During each stage of a Research Misconduct proceeding, the UAMS Office of General Counsel or Office of Research Compliance shall advise the RIO and appointed committees on compliance with appropriate procedures, laws, and regulations. The Office of Research Compliance shall assist with collection and review of Research Records as assigned by the RIO. The RIO shall be responsible for providing required notifications to appropriate sponsoring agencies and federal entities.

1. **Responding to Allegations.** In responding to allegations of Research Misconduct, the RIO and other individuals responsible for carrying out any part of the proceeding shall make diligent efforts to ensure the following:

- a) Assessments of Allegations, Inquiries, and Investigations are conducted in a timely, objective, thorough, fair, and competent manner.
- b) Committee members and other individuals carrying out any part of the proceeding do not have any unresolved personal, professional, or financial conflicts of interest with the Complainant, Respondent, or any witnesses.
- c) Interim administrative actions are taken, as appropriate, to protect public health, state and federal funds and equipment, and the integrity of the research process. Such actions may include, but are not limited to, restriction, reassignment, or suspension of the Respondent's activities.
- d) Full cooperation with any federal or state agencies sponsoring Research related to the Scientific Misconduct allegations.

2. **RIO Responsibilities:**

- a) Implement and enforce written policies and procedures for addressing allegations of Research Misconduct and complying with applicable laws and regulations, and ensure that all Institutional Members are informed of those policies and

- procedures.
- b) Respond to all allegations of Research Misconduct related to research, research training or related activities at UAMS.
 - c) In consultation with appropriate Deans and/or Directors, appoint Inquiry and Investigation committees with appropriate scientific expertise to conduct Research Misconduct proceedings.
 - d) Inform Inquiry and Investigation committee members of their responsibilities and attend all meetings of the committees to assure compliance with applicable regulations, policies, and procedures.
 - e) Take precautions to help assure impartiality of committee members and other individuals responsible for carrying out a Research Misconduct proceeding.
 - f) Obtain, inventory, and securely maintain custody of relevant Research Records and other documentation generated or gathered during the Inquiry or Investigation stages of the proceeding.
 - g) Implement any interim administrative actions needed to protect resources or the health and safety of research subjects or the public.
 - h) Provide information to Respondents and federal agencies as required by law.
 - i) Keep Deans, Directors and other appropriate individuals apprised of the progress of Research Misconduct proceedings.
 - j) If an Investigation finds that Research Misconduct has occurred, notify the Deciding Official and, if the DO concurs that research misconduct has occurred, notify editors, publishers, law enforcement agencies, professional societies, collaborators, and/or sponsors, as appropriate.
 - k) Take reasonable and appropriate steps to restore a Respondent's reputation and research capabilities if an Investigation finds that the Respondent did not commit Research Misconduct.
 - l) Take reasonable and appropriate steps to protect Complainants who make allegations of Research Misconduct in Good Faith from retaliation.
 - m) Assist with implementation of any administrative actions imposed by federal agencies against Institutional Members.

3. **Inquiry.** An Inquiry shall be conducted any time an allegation of Research Misconduct is received that is sufficiently credible and falls within the scope of this policy. The purpose of an Inquiry is to conduct an initial review of the available evidence and determine whether an Investigation is warranted. An Inquiry does not require a full review of all evidence related to the allegation.

- a) The Inquiry shall be conducted by a committee of three (3) full-time faculty members with appropriate scientific expertise. Decisions of the Inquiry committee shall be made by a majority of the members.

- b) The RIO and other individuals designated by the RIO as necessary for conducting the proceeding shall be present at all Inquiry Committee meetings. Otherwise, only individuals giving testimony may be present. Legal counsel of the Respondent shall not be present during any meetings of the Inquiry Committee.
- c) Reasonable efforts to notify the Respondent(s) of an Inquiry shall be made at or before the beginning of the Inquiry.
- d) Research Records and evidence needed to conduct the Inquiry shall be obtained, inventoried, and sequestered by the RIO before the Respondent is notified or the Inquiry begins, whichever is earlier.
- e) The Inquiry committee shall interview key individuals and examine relevant records to determine whether an Investigation is warranted. The committee shall provide the RIO with a draft report of its findings. If an Investigation is recommended, the Respondent shall be provided with a copy of the draft report and given ten (10) days from the date of receipt to review and comment. Any comments submitted shall be reviewed by the Inquiry committee prior to preparation of the final report and attached to the final report, which shall be submitted to the RIO.
- f) The Inquiry proceeding should be completed within sixty (60) days of initiation unless the RIO determines there are extenuating circumstances that require a longer period and documents the reasons for such.

4. **Investigation.** If the Inquiry committee determines an Investigation is warranted, it shall be initiated within thirty (30) days of such determination and should be completed within 120 days of initiation. If unable to complete the investigation in 120 days, the RIO must request an extension in writing from the appropriate federal agency (the Office of Research Integrity or the National Science Foundation Office of Inspector General). The purpose of the Investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, including any additional evidence discovered during the course of the investigation, so that a recommendation can be made whether Research Misconduct has been committed, by whom, and to what extent.

- a) The Investigation shall be conducted by a committee of at least five (5) full-time faculty members with appropriate scientific expertise. Members of the Inquiry committee may also serve on the Investigation committee. When necessary to secure appropriate scientific expertise or avoid conflicts of interest, Investigation committee members may be selected from outside UAMS. Decisions of the Investigation committee shall be made by a majority of the members.
- b) The Respondent shall be notified within thirty (30) days of the

decision to conduct an Investigation and provided with written notice of any new allegations not addressed during the Inquiry or in the initial notice of the investigation.

- c) Any additional evidence or documentation discovered subsequent to the Inquiry proceeding shall be obtained, inventoried, and sequestered by the RIO.
- d) The Investigation committee shall conduct and document a thorough review of all Research Records and relevant evidence and shall pursue all significant issues and leads, including any evidence of additional instances of possible Research Misconduct.
- e) Each Respondent and Complainant, as well as other key individuals identified as having relevant information shall be interviewed. Interviews should be recorded or transcribed, provided to the interviewee for correction, and included in the record of the proceeding. Any costs or expenses incurred for interviews, recording, or transcription services shall be allocated as determined by the RIO in consultation with the Chancellor.
- f) The RIO and other individuals designated by the RIO as necessary for conducting the proceeding shall be present at all Investigation Committee meetings. Otherwise, only individuals giving testimony may be present. The Respondent may have legal counsel or an advisor present at Investigation committee meetings where the Respondent is being interviewed. Such individual may advise the Respondent but shall not address the Committee.
- g) Respondents are responsible for cooperating fully with an Investigation, including furnishing data, records and other documents requested for the purpose of conducting a thorough review. The destruction, absence of, or any failure to provide records adequately documenting the questioned Research may be considered as evidence of Research Misconduct where it is established by a preponderance of the evidence that the Respondent intentionally, knowingly, or recklessly had Research Records and destroyed them; had the opportunity to maintain the records but did not do so; or maintained the records and failed to produce them in a timely manner.
- h) The Investigation committee shall prepare a draft report for the RIO which includes a statement of findings and decision on the merits for each allegation of Research Misconduct identified during the Investigation. The Respondent shall be provided with a copy of the draft report and a copy of or supervised access to the evidence on which the report is based. The Respondent shall have thirty (30) days from the date of receipt to review and comment. Any comments submitted shall be reviewed by the Investigation committee prior to preparation of the final report and attached to the final report, which shall be submitted to the RIO, the DO, the Chancellor, and the appropriate Dean or Director. The Respondent

shall also receive a copy of the final report.

5. Resolution. A finding of Research Misconduct requires that:

- a) There be a significant departure from accepted practices of the relevant research community; and
- b) The misconduct be committed intentionally, knowingly, or recklessly; and
- c) The allegation be proven by a preponderance of the evidence.

If the Investigation committee finds that the allegation of Research Misconduct cannot be substantiated, UAMS shall make reasonable and appropriate efforts to protect the reputation of the person(s) alleged to have engaged in the Misconduct.

If the Investigation committee finds that Research Misconduct has occurred, the DO, in consultation with the RIO, shall determine appropriate actions to be taken, such as withdrawal or correction of all pending or published abstracts and papers stemming from the affected research and/or notification of law enforcement agencies, professional societies, collaborators and sponsors. Only the RIO may release such information to third parties.

The Chancellor, DO, and Dean or Director shall determine appropriate disciplinary action to take against a Respondent found to have engaged in Research Misconduct, up to and including termination. The nature of the disciplinary action taken shall be based on the seriousness of the misconduct, including, but not limited to:

- i. The degree to which the Misconduct was knowing, intentional or reckless;
- ii. Whether the Misconduct was an isolated event or part of a pattern and/or
- iii. Whether the Misconduct had a significant impact on the Research Record, research subjects, other researchers, institutions, or the public welfare.

6. Termination Prior to Resolution. The RIO shall notify the appropriate federal agencies as required by law if a case is closed prior to completion on the basis that the Respondent has admitted guilt, a settlement has been reached, or for any other reason, except when the case is closed after the Inquiry stage because an Investigation is not warranted, or a finding of no misconduct at the Investigation stage. As to findings of no misconduct at the Investigation stage, appropriate federal agencies shall be notified within the required time frame.

7. Resignation or Termination Prior to Resolution. Termination of the

Respondent's employment or resignation by the Respondent before or after an allegation of Research Misconduct shall not preclude or terminate Research Misconduct proceedings. If a Respondent, without admitting guilt, elects to resign from UAMS after an allegation of Research Misconduct has been received, the proceeding shall continue in accordance with this policy. If the Respondent refuses to participate in the proceeding after resignation, the RIO and any Inquiry and Investigation committees shall use their best efforts to reach a conclusion and shall document the Respondent's failure to cooperate and its effect on the evidence.

8. **Appeals.** The Respondent may appeal the Investigation committee's decision by filing a written notice of appeal with the Chancellor within seven (7) calendar days of the Investigation committee's final report. Grounds for appeal shall be limited to failure to follow appropriate procedures in the Investigation or that the decision was arbitrary and capricious. If an appeal is filed, the RIO will notify the appropriate federal agency in writing and request an extension to allow for review of the appeal. Review by the Chancellor shall be limited to the evidence already presented unless good cause for allowing additional evidence is shown. The Chancellor may affirm or reverse the Investigation committee's findings or remand to the Investigation committee for additional fact-finding or analysis. The Chancellor's decision shall be final and shall be made within 120 days of filing.

C. **Federally-Sponsored Research.** If an Investigation of Research Misconduct is related to federally-sponsored research, the appropriate agency shall be notified of the Investigation, its findings, and if any of the following conditions exist at any stage of the proceedings:

1. The health or safety of the public is at risk, or there is an immediate need to protect human or animal subjects;
2. Federal resources, reputation, or other interests are threatened;
3. Research activities should be suspended;
4. There is a reasonable indication of possible violations of civil or criminal law;
5. Federal action may be required to protect the interests of those involved in or potentially affected by the research misconduct proceeding.
6. There is reason to believe that the Research Misconduct proceeding may be made public prematurely.
7. The research community or public should be informed.

D. **Document Retention.** Records and documentation of each stage of the Research Misconduct proceedings shall be maintained by the RIO for a minimum of seven (7) years from completion of the proceeding.

E. **Research Misconduct Procedures.** Specific procedures for conducting Research Misconduct proceedings are located in the RIO's standard operating procedures.

REFERENCES.

42 C.F.R. Part 93
45 C.F.R. Part 689

Signature: _____

A handwritten signature in black ink, appearing to read "C. A. F. T. H.", is written over a light blue rectangular background. The signature is cursive and somewhat stylized.

Date: May 14, 2019