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SECTION: RESEARCH**AREA: GRANTS ADMINISTRATION****SUBJECT: ETHICAL STANDARDS IN RESEARCH AND PROCEDURE**

PURPOSE

The purpose of this policy is to maintain the research credibility of the faculty, staff and the University of Arkansas for Medical Sciences campus so that there will be public confidence in scientific research and any injury to the public interest will be avoided. It is recognized that, as is the case with all human endeavors, honest mistakes will occur in the conduct of scientific research. Therefore, investigators who inadvertently make errors in either the planning, execution or interpretation of scientific research shall not be considered in violation of the policy contained within this document.

POLICY

It is the policy of the University of Arkansas for Medical Sciences (UAMS) that all scientific research engaged in by faculty and staff of this campus must be conducted, and the results reported, with integrity. Indicated research must have actually been performed. Data must be verified and academic honesty must prevail. Research findings must be fairly attributed as to their authors. Research results are to be documented and comply with federal requirements that uniquely relate to the conduct of that research. The following conduct, which this policy addresses, constitutes scientific misconduct and includes, but is not limited to:

- a. Knowingly misrepresenting or falsifying research data.
- b. Intentionally concealing actual facts material to research results reported, or falsely representing actual facts discovered which are material to research results reported.
- c. Filing research reports and/or publishing research findings without having done the research indicated.
- d. Falsely claiming to be the author of research which was performed by others.
- e. Deceitfully reporting research of others as one's own and/or plagiarism involving the work of others.
- f. Material failure to comply with federal requirements that uniquely relate to the conduct of research. This would include, but not be limited to, failure to comply with federal requirements for protection of human subjects or for ensuring the welfare of laboratory animals.

Research at UAMS is expected to be conducted with full regard for the academic freedom of those so involved, and with the responsibility for insuring that the intentional perversion or suppression of truth does not compromise scientific research in the medical sciences. Scientific

misconduct undermines the methods and purposes of those scientists using acknowledged research methods.

Principal investigators and laboratory directors are ultimately responsible for the supervision and verification of research programs and personnel in their laboratories. This responsibility includes the maintenance of accurate and reliable records and data, the preparation of quality research papers, and the assurance that the authors of papers have actually contributed to the research efforts reported .

A charge of scientific misconduct is a most serious charge. For that reason, the Vice Chancellor, the review committees and all others involved in the inquiry or investigation shall take whatever actions are necessary to protect, to the maximum extent possible, the privacy of those who, in good faith, report apparent misconduct. In addition, the Vice Chancellor, the review committees and all others involved in the inquiry shall afford the affected individual(s) confidential treatment to the maximum extent possible. Further, should the charge not be sustained, formal and extensive efforts are to be made so that the reputation of the person against whom the charge was made shall not be impaired. Charges made maliciously and in bad faith, after so found, shall lead to employee disciplinary action.

PROCEDURE (GENERAL)

1. Initial reports that scientific misconduct may have occurred are to be made to the Vice Chancellor for Academic Affairs, hereafter referred to as the Vice Chancellor. The Vice Chancellor must then inform the Dean(s) of the College(s) of the person making the initial report and of the person so charged. In certain instances, others, as required by law, regulation or contract, may also be notified at this time. See UAMS Policy 12.1.04, Procedure 21, for Federal Regulations specifically relating to Federally funded projects.

PROCEDURE (INITIAL INQUIRY)

2. The initial inquiry of the charge that scientific misconduct may have occurred must be by an internal review panel of full time UAMS faculty members, termed the Inquiry Committee. This inquiry must be completed within 60 calendar days of its initiation, i.e., from the time of receipt of the initial allegation by the Vice Chancellor, unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the record of the inquiry must include documentation of the reasons for exceeding the 60 day period.
3. The Vice Chancellor, in consultation with the Dean of the person so charged, must prepare a list of potential committee members from the UAMS faculty roster, making every effort in the selection process to form an Inquiry Committee with the appropriate scientific expertise. This list must be presented to the person so charged and he/she may request that any potential member not be impanelled by submitting to the Vice Chancellor a written explanation of why the person(s) should not serve on the committee. The Vice Chancellor, in consultation with the Dean of the person so charged, must decide on the validity of the challenge to any potential committee

- member, and choose six members to serve as the Inquiry Committee. Once formed, the Inquiry Committee must elect one of its members to assume the role of chairman.
4. The members of the Inquiry Committee must have no real or apparent conflict of interest and will be asked to sign a statement to this effect. Any relationship with the involved parties must be disclosed to those involved in the inquiry. Any member of the Inquiry Committee with a conflict of interest must be replaced with a member selected by the Vice Chancellor.
 5. The Vice Chancellor is to be present in a non-voting capacity at all Inquiry Committee meetings to provide procedural advice to the committee members. At his/her discretion, the Dean or his/her designee of the College of the charged person may also be present in a non-voting capacity. Only the person giving testimony to the committee and the above noted exceptions may be present in any meeting. Legal counsel may not be present during meeting of the Inquiry Committee.
 6. The Inquiry Committee shall make an inquiry of the evidence which may include interviewing persons with relevant information. An inquiry means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. Once the inquiry is initiated, the charged person is obligated to cooperate by providing material necessary for the proceedings of the Inquiry Committee. Failure to do so may result in immediate Investigative Review (See UAMS Policy 12.1.04, Procedures 10-18) or other institutional sanctions.
 7. At the conclusion of the inquiry, the Inquiry Committee must decide, by a majority vote, whether an investigation into the allegation of the scientific misconduct is warranted. The committee must prepare a written report that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. This report must provide sufficiently detailed documentation of the inquiry to permit a later assessment of the reasons for determining that an investigation was not warranted, if necessary. This inquiry report must be forwarded to the Vice Chancellor, Dean of the person charged, and the individual(s) who made the allegation. The person charged with scientific misconduct may comment on the report, and his/her comments will be made part of the record.
 8. All records must be maintained in a secure manner in the Office of the Vice Chancellor for a period of at least three years after the termination of the inquiry, and must, upon request, be provided to authorized personnel as required by law, regulation or contract.
 9. If the Inquiry Committee finds that an investigation into the allegation of scientific misconduct is not warranted, the Vice Chancellor, and all other persons involved, must, to the maximum extent possible, take steps to minimize the damage to reputations which may result from inaccurate reports.

PROCEDURE (INVESTIGATIVE REVIEW)

10. If the Inquiry Committee finds that an investigation is warranted, the Vice Chancellor must initiate the investigation by impanelling an Investigative Committee within 30 days of receiving the report of the Inquiry Committee. This investigation should ordinarily be completed within 120 days of its initiation. However, if this deadline cannot be met and the project(s) involve federally-funded research, then a written request for an extension must be submitted to the appropriate office as required by federal regulations.
11. The Vice Chancellor, in consultation with the Dean of the person so charged, must prepare a list of potential committee members, making every effort in the selection process to form an Investigative Committee with the appropriate scientific expertise. This list must be presented to the person so charged and he/she may request that any potential member not be impanelled by submitting to the Vice Chancellor a written explanation of why the person(s) should not serve on the Committee. The Vice Chancellor, in consultation with the Dean, will then decide on the validity of the challenge to any potential committee member.
12. The Vice Chancellor must appoint an Investigative Committee. It is to consist of six members, at least four of whom are full-time faculty members of UAMS at the rank of associate or full professor. Up to two scientists who are not employees of the University of Arkansas for Medical Sciences, each of whom must be personally qualified to judge the scientific nature of the research work, may also be appointed to the Committee. Once formed, the Investigative Committee must elect one of its members to assume the role of chairman.
13. The members of the Investigative Committee must have no real or apparent conflict of interest and will be asked to sign a statement to this effect. Any relationship with the involved parties must be disclosed to those involved in the investigation. Any member of the Investigative Committee with a conflict of interest must be replaced with a member selected by the Vice Chancellor.
14. The Vice Chancellor is to be present in a non-voting capacity at all committee meetings to provide procedural advice to the committee members. At his/her discretion, the Dean or his/her designee of the college of the charged person may also be present in a non-voting capacity. Legal counsel or another advisor may be present during meetings of the Investigative Committee in which the person so charged is interviewed to provide advice but may not address the committee. Only the person giving testimony to the committee, and the above noted exceptions, may be present in any committee meeting.
15. The Investigative Committee shall investigate fully to determine if scientific misconduct, as defined by this policy, has occurred. In doing so, it may utilize any files developed by the Inquiry Committee and may review any additional evidence deemed relevant through procedures adopted by the panel. The Committee must secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. The investigation normally will include examination of all documentation, including, but not necessarily limited to, relevant research data and proposals, publications, correspondence, and memoranda of

telephone calls. Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations. Complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. All involved parties are obligated to cooperate fully with the proceedings of the Investigative Committee. Funding agencies must be kept apprised of developments during the course of the investigation, as required by law, regulation or contract.

16. The Investigative Committee must determine, by a majority vote of its members, whether scientific misconduct has been proven by a preponderance of the evidence, and if so, must recommend sanctions.
17. The Investigative Committee must provide a written report of its findings to the Vice Chancellor, the Dean(s) of the person charged and the person making the charge, the person making the charge, the person(s) so charged and others to the extent required by law, regulation or contract. The report shall include the documentation which supports the committee's findings. Only the Vice Chancellor may release a copy of this personnel determination to third parties. Reports from the Investigative Committee must, otherwise, remain confidential and must be secured in the Office of the Vice Chancellor. All records must be maintained for a period of at least three years after the termination of the investigation.
18. If the Investigative Committee does not find that scientific misconduct has occurred, the Vice Chancellor must, to the maximum extent possible, take steps to minimize the damage to reputations which may result from inaccurate reports.

PROCEDURE (APPEALS PROCESS)

19. The decision of the Investigative Committee may be appealed. Appeals are made to the Chancellor of UAMS and must be filed within seven days of the Investigative Committee's decision. Any such appeal will be limited to the evidence presented during the investigative review and the grounds for appeal are limited to failure of the Investigative Committee to follow appropriate procedures or that an arbitrary decision was made. New evidence contained within the appeal may warrant a reopening of the investigation. The decision of the Chancellor is final.

PROCEDURE (SANCTIONS)

20. If the Investigative Committee finds that scientific misconduct has occurred, the Vice Chancellor and the Dean of the person so charged, with due consideration of the recommendation of the Investigative Committee, must recommend to the Chancellor sanctions to be imposed. The Chancellor must then impose sanctions in accordance with UAMS personnel policies after the conclusion of the appeals process.

PROCEDURE (FEDERAL POLICY)

21. The Vice Chancellor must notify the Office of Scientific Integrity (OSI), in accordance to Federal Policy (Federal Register 54:32450, 50.103d) when, on the basis of an initial inquiry, the institution determines that an investigation is warranted, or, prior to the decision to initiate an investigation, if any of the following conditions exist:
 - a. There is an immediate health hazard involved.
 - b. There is an immediate need to protect Federal funds or equipment
 - c. There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any.
 - d. It is probable that the alleged incident is going to be reported publicly.
 - e. There is a reasonable indication of possible criminal violation. In that instance, the Vice Chancellor must inform the OSI within 24 hours of obtaining that information.

REFERENCE

- 1 UAMS Policy 12.1.03