



Handbook of Operating Procedures

Section: 6.3.3
Originally Approved: 01/21/92
Last Amended:

RESEARCH FRAUD/MISCONDUCT POLICY

A. Purpose

The purpose of this policy is to define procedures for dealing with allegations of misconduct fraud in research.

B. Policy Statement Relating to Misconduct/Fraud in Research

1. The University of Texas-Pan American strives to create a research climate that promotes faithful adherence to high ethical standards in the conduct of research without inhibiting the productivity and creativity of persons involved in research. Misconduct or fraud in research is an offense that damages not only the reputation of those involved but also that of the entire educational community.
2. Misconduct/fraud in research means fabrication, falsification, plagiarism, or other practices that materially deviate from those that are commonly accepted within the academic community for proposing, conducting, or reporting research. It does not include honest errors or honest differences in interpretations or judgments of data.
3. Misconduct/fraud in research is a major breach of the relationship between a faculty or staff member and the institution. In order to maintain the integrity of research projects, every person engaged in research must keep a permanent auditable record of all experimental protocols, data, and findings. Co-authors on research reports of any type, including publications, must have had a bona fide role in the research and must accept responsibility for the quality of the work reported.
4. Scholarly activities which involve faculty/student collaboration are encouraged and may be positively recognized in faculty personnel processes. Issues related to faculty/student collaboration may include matters such as expected contributions of each party, order of authorship, and/or type of citation to be given, and must be addressed early in any scholarly project. Decisions must be congruent with the ethics and scholarly customs of each discipline involved. Specific recognition of the nature and scope of individual student contributions must be made in all published materials.
5. Any inquiry or investigation of allegations of misconduct/fraud in research must proceed promptly and with due regard for the reputation and rights of all individuals involved.
6. The University will take all reasonable steps to assure that; (1) the persons involved in the evaluation of the allegations and evidence have appropriate expertise, (2) that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest, and (3) affected individuals will receive confidential treatment to the maximum extent



Handbook of Operating Procedures

Section:
Originally Approved:
Last Amended:

6.3.3
01/21/92

RESEARCH FRAUD/MISCONDUCT POLICY

possible.

C. Procedures for Addressing Misconduct/Fraud in Research

1. Allegations of misconduct/fraud in research should be brought to the attention of the appropriate Department Chair and Dean or, if such allegations involve a Department Chair or Dean, they should be brought to the attention of the President. The Department Chair, Dean or, in the case of allegations made against the Department Chair or Dean, a person designated by the President will bring such allegations to the attention of the principal investigator of the research program and any researchers affected by the allegations. The Department Chair, Dean or person designated by the President, with due regard for the reputations of all parties involved, will immediately conduct an inquiry into the allegations. The inquiry must be completed within sixty (60) calendar days unless circumstances clearly warrant a longer period, in which case the inquiry record must include documentation of the reasons for exceeding the sixty (60) day period.
2. At the conclusion of the inquiry, a written report shall be prepared and delivered to the President. The report will include a description of the evidence reviewed, a summary of relevant interviews, and a statement of the conclusion(s) reached together with the rationale for such conclusion(s).

The report shall be accompanied by all written statements, data, or other evidence considered during the inquiry. The President shall provide the person(s) against whom the allegations have been made a copy of the report and an opportunity to comment on allegations and findings of an investigation and request that any comment in response be made within ten (10) days.

3. The President, with such advice or consultation as may be deemed appropriate, shall review the inquiry report, and the comments (if any) of the person(s) accused of misconduct/fraud and determine either:
 - a. that the allegations are unfounded and that no further proceedings are warranted; or
 - b. that there is substantial evidence to support the truth of the allegations and that hearing procedures to discipline or terminate the accused person(s) should be commenced pursuant to the established due process procedures of the University and the Board of Regents of The University of Texas System. The hearing procedures must begin within thirty (30) days after the conclusion of the inquiry. An attorney from The University of Texas System Office of General Counsel will be available to represent the University in the hearing.



Handbook of Operating Procedures

Section: 6.3.3
Originally Approved: 01/21/92
Last Amended:

RESEARCH FRAUD/MISCONDUCT POLICY

4. If it is determined that the alleged misconduct/fraud is not substantiated, diligent efforts will be undertaken by the University to restore the reputation of the accused person(s). Diligent efforts will also be taken to protect the position and reputation of the person(s) who, in good faith, made the allegations.
5. In the event that the allegations are admitted by the accused person(s) or the hearing procedures result in a determination that the allegations of misconduct/fraud are true, the University will notify the sponsoring agency of the facts related to the allegations, the conclusions reached, and the penalty imposed by the University. In addition, notice will be given to the editors of all journals to which articles related to the affected research have been submitted.
6. Documentation substantiating the findings of inquiries and investigations will be maintained and provided to authorized sponsoring agency personnel upon request.

D. Additional Procedures for Allegations of Misconduct in Science Related to Public Health Service Projects

In the event that allegations of misconduct in science are made with regard to an application for or a grant of funds for research, research training, a research related activity, or a cooperative agreement under the Public Health Service (PHS) Act, appropriate interim administrative actions will be taken to protect federal funds and ensure that the purposes of the Federal financial assistance are being carried out. In addition, the following action must be taken:

1. Notify the Office of Research Integrity (ORI) of the Office of the Director of the National Institutes for Health when it appears at any time during the inquiry or other procedures that:
 - a. an immediate health hazard is involved;
 - b. there is an immediate need to protect federal funds or property, or to protect the interests of the person(s) making the allegations or of the person(s) against whom allegations have been made and/or their coinvestigators;
 - c. it is probable that the alleged misconduct will be made public; or
 - d. information exists reasonably indicating that there has been a criminal violation, in which case the ORI must be notified within 24 hours of obtaining such information.
2. Notify ORI of any developments during the course of the investigation which disclose facts



Handbook of Operating Procedures

Section: 6.3.3
Originally Approved: 01/21/92
Last Amended:

RESEARCH FRAUD/MISCONDUCT POLICY

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 otherwise protect the public interest.

3. Notify the ORI that a decision has been made to initiate disciplinary or termination procedures (the "investigation" under the PHS rules), including the name of the person(s) against whom allegations of misconduct have been made, the general nature of the allegations, and the PHS application or grant number(s) involved;
4. Notify the ORI of any decision that an inquiry or other procedure based upon the allegations will not be pursued to completion together with the reasons for such decision;
5. Provide ORI with a final report within 120 calendar days of initiation of investigation of any disciplinary or termination procedure, including a description of such procedures, the sanction imposed, how and from whom relevant information was obtained, the conclusions reached, the basis of such conclusions, and any statement or views of the person(s) found to have engaged in misconduct; and
6. Request an extension of time from ORI when it appears that disciplinary or termination procedures will not be completed within 120 days. The request must include an interim report on progress to date, an explanation for the delay in completion, and an estimate of the anticipated date of completion.
7. If an investigation is not warranted, detailed documentation of the inquiry will be maintained for at least three (3) years and provided to authorized HHS personnel upon request.

E. Review

This policy shall be reviewed every even numbered calendar year by the Vice President for Academic Affairs in consultation with the Faculty Senate.