

University of Arkansas, Pine Bluff
Policies and Procedures for Handling
Misconduct in Science

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Summary: The University of Arkansas at Pine Bluff will address, as appropriate, allegations of misconduct in science. First, an inquiry will be conducted to see if an investigation is warranted. If warranted, an investigation will be done and sanctions imposed if justified.

I. Definitions

- A. "Misconduct" or "Misconduct in Science" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations of data.**
- B. "Inquiry" means information-gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.**
- C. "Investigation" means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.**
- D. "The office responsible for research administration" at the University of Arkansas at Pine Bluff is the Center for Multi-**

Purpose Research and Sponsored Programs.

- E. "The date of initiation of the investigation" is the day the Vice Chancellor for Academic Affairs is notified by the Chair of the Research Committee that an investigation is necessary.**

PROCESS FOR HANDLING RESEARCH MISCONDUCT

II. The Inquiry

- A. An inquiry is not a formal hearing; it is designed to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations. The inquiry must result in either dismissal of the allegation or a call for an investigation. A suspected criminal act will result in the suspension of the inquiry until the appropriate law enforcement agency allows it to continue.**
- B. Allegations of misconduct will be submitted to the Vice Chancellor for Academic Affairs and should be as specific and detailed as conditions permit. These allegations will normally be submitted in writing and signed by the complainant(s). When the complainant(s) elect(s) to not**

submit a signed document, the Vice Chancellor for Academic Affairs shall exercise discretion as to whether the information presented warrants an inquiry. Whenever possible, the Vice Chancellor shall counsel confidentially with the complainant(s).

C. The Vice Chancellor for Academic Affairs will immediately charge the Chair of the Research Committee with conducting an inquiry into the allegation of misconduct. The inquiry will then be conducted by the Research Committee. All members of the Research Committee must disclose potential conflicts of interest to the Committee which will determine if conflicts exist and excuse member(s) from the inquiry as appropriate. In the event the Chair of the Research Committee has possible conflicts of interest, the Research Committee will elect a chair of the inquiry from its membership. That person will perform the same duties detailed for the Chair of the Research Committee.

D. The inquiry must be initiated immediately upon receipt of an allegation of research misconduct by the Chair of the

Research Committee. The inquiry should be completed within 60 calendar days of the date the chair received the allegation. If circumstances clearly warrant a period of longer than 60 calendar days for the inquiry, the reasons for the extended time period shall be submitted in writing to the Vice Chancellor for Academic Affairs.

- E. If criminal conduct is suspected, the appropriate authorities will be notified and the inquiry will be suspended until those authorities notify the Research Committee that it is appropriate to reconvene the inquiry.**
- F. A written record must be kept of the inquiry including, if necessary, the reasons for an extended inquiry period. The safety and security of the record will be assured. The Chair of the Research Committee will assume responsibility for the written record and other materials acquired during the progress of the inquiry. The materials and record will be kept in the Office of the Center for Multi-Purpose Research and Sponsored Programs. Members of the Research Committee wishing to view those materials and/or the written record at times other than when the Committee is**

in session (for purposes of conducting the inquiry) must go to the Office of Research and Sponsored Programs. Only the Chair of the Research Committee or those designated by the Chair may remove the record or materials and then only to bring to the Committee for the purpose of conducting the inquiry.

- G. During the inquiry stage, the University of Arkansas at Pine Bluff will protect the confidentiality of all parties involved to the maximum extent possible. Whether a case can be reviewed effectively without the involvement of the complainant(s) or the person(s) alleged to have committed research misconduct depends upon the nature of the allegation and the evidence available. Cases that depend specifically upon the observations or statements of the complainant(s) may not proceed without the involvement of that individual; other cases that rely on documentary evidence may permit the complainant(s) to remain anonymous. It may be necessary to involve the person(s) alleged to have been involved in misconduct during the inquiry. In such instances the person(s) must be advised of the allegation of misconduct.**

- H. The complainant(s) and the person(s) alleged to have been involved in misconduct shall supply information and material as requested by the Research Committee.**
- I. Both the complainant(s) and the person(s) charged in the allegation may seek legal counsel. Such counsel will not be allowed to be physically present during the inquiry sessions.**
- J. The completion of an inquiry is marked by the Research Committee's determination of whether or not an investigation is warranted and the preparation of written documentation to summarize the process and conclusion of the inquiry. The Chair of the Research Committee will provide a written report of the findings of the inquiry to the Vice Chancellor for Academic Affairs. If an investigation is needed, the Vice Chancellor for Academic Affairs will so notify in writing the complainant(s), the person(s) alleged to have been involved in research misconduct, the appropriate deans and chairs, the appropriate office of research administration, and all other persons who have been informed of the inquiry by the Research Committee or University officials. If the allegations have been found to**

have no substance, the Vice Chancellor for Academic Affairs will immediately notify in writing only those persons informed of the inquiry and move to restore all situations to as close to their original conditions as possible.

K. If the need for an investigation is determined, any agency sponsoring the research will be immediately notified in writing by the office of research administration. The funding agency may be informed before the inquiry is complete if: 1) the seriousness of alleged misconduct is apparent; 2) immediate health hazards are involved; 3) the funding agency's resources, reputation, or other interests need protecting; 4) Federal action may be needed to protect the interests of a subject of the investigation or of others potentially affected; or 5) the community or the public should be informed. If at any point in an inquiry criminal violations become apparent, the funding agency will be notified within 24 hours if at all possible. The appropriate legal authorities will also be notified. The funding agency will be notified if the alleged research misconduct is going to be publicly announced by the University.

L. During the inquiry, interim administrative action may be taken by the Vice Chancellor for Academic Affairs when justified by the need to protect the health and safety of research subjects, the interests of students and colleagues or the University. Administrative action may range from slight restrictions of activities, reassignment of activities, or suspension of all research activities of the person(s) alleged to have committed research misconduct. Interim administrative action will be taken in full awareness of how it might affect the individuals and the ongoing research within the institution.

III. Rights of the Complainant(s) and Persons

Committed Research Misconduct

A. The proceedings of an inquiry, including the identity of the person(s) alleged to have committed research misconduct, will be held in strict confidence to protect the parties involved. If confidentiality is breached and the inquiry finds the allegation to be unsupported, the Vice Chancellor for Academic Affairs will take reasonable steps to minimize the damage to reputations which may result from inaccurate reports.

- B. If an allegation is found to be unsupported but has been submitted in good faith, no further formal action will be taken other than the notifications required by Paragraph (II) J above. Allegations that have not been brought in good faith will lead to appropriate disciplinary action. Complainants should be aware from the outset that their confidentiality will not be maintained if the Research Committee determines that the complaint is maliciously motivated and false.**
- C. Where a complaint has been brought in good faith even if mistaken, the University will protect the complainant(s) against retaliation. Individuals engaging in acts of retaliation will be disciplined in accordance with the policies of the University of Arkansas at Pine Bluff.**

IV. The Investigation

- A. The investigation's purpose is to explore further the allegations and determine whether research misconduct has been committed. The investigation will focus on accusations of misconduct as defined previously and examine the factual materials of each case. The investigation will look carefully**

at the substance of the charges and examine all relevant evidence.

B. Once the Research Committee has determined an investigation is required, it must be conducted. The person(s) alleged to have committed research misconduct does not have the right to challenge the initiation of the investigation.

C. The Research Committee will determine the composition of the investigative committee and ensure that it has the appropriate expertise to evaluate the evidence. It may be possible to utilize an existing committee, the presence of which may be mandated by federal agencies. For example, the Institutional Animal Care and Use Committee may be the appropriate body to investigate an allegation of mistreatment of laboratory animals. Members of the investigative committee may come from within or outside the University of Arkansas at Pine Bluff. The Vice Chancellor for Academic Affairs will provide the necessary resources for outside experts when sufficient expertise does not exist at the University of Arkansas at Pine Bluff. The

minimum number of committee members will be five. The Research Committee will appoint the chair of the investigative committee.

D. Conflicts of interest must be avoided. Those investigating the allegations will be selected and serve with full awareness of the closeness of their professional or personal affiliation with the complainant(s) and/or the person(s) alleged to have committed research misconduct. Any person appointed to an investigative committee who may have a conflict of interest in a given case must disclose potential conflicts to the Chair of the Research Committee in writing within one week. The Research Committee will determine if a conflict exists and rescind or continue the appointment as appropriate.

E. The Vice Chancellor for Academic Affairs and the person(s) alleged to have committed research misconduct will be notified in writing by the Chair of the Research Committee to the composition of the investigative committee.

F. The person(s) alleged to have committed research misconduct shall have an opportunity to respond to the allegation. Any initial response to the allegation should be received in writing by the Chair of the Research Committee within 15 calendar days following the date of the notification letter described in Paragraph (IV) E. The Chair of the Research Committee shall immediately forward any response to the chair of the investigative committee.

G. The investigation will be conducted as expeditiously as possible. In most cases the investigation will be completed within 120 calendar days of its initiation. In certain cases 120 days may be insufficient. In such cases the investigative committee will prepare an interim written report by the 120th calendar day after the initiation of the investigation to report progress to date, including reasons for the extra time required for the completion of the investigation. The chair of the investigative committee will distribute the report to the Vice Chancellor for Academic Affairs, the person(s) alleged to have committed research misconduct, the appropriate office of research administration and the Chair of the Research Committee.

- H. Written records and all other materials pertinent to the investigation will be kept in the Office of the Center for Multi-Purpose Research and Sponsored Programs and will be available only to individual investigative committee members. Only the chair of the investigative committee or his/her designee may remove the records and material.**
- I. In the course of an investigation, additional information may emerge which justifies broadening the scope of the investigation beyond the initial allegations. Any such change in scope will be immediately reported in writing by the chair of the investigative committee to the Chair of the Research Committee who will notify the Vice Chancellor for Academic Affairs, the complainant(s), the person(s) alleged to have committed research misconduct, and the appropriate office of research administration. The appropriate office of research administration will report significant new developments during the investigation to any sponsor(s) of the research as they occur.**
- J. The person(s) alleged to have committed research misconduct must provide information requested by the**

investigative committee. All involved parties are obligated to cooperate with the investigative committee in providing information relating to the case.

K. Throughout the investigation, the person(s) alleged to have committed research misconduct may, at the discretion of the investigative committee, be advised of the progress of the investigation and afforded the opportunity to respond and/or provide additional information to the investigative committee.

L. The person(s) alleged to have committed research misconduct will be allowed to submit written statements from others, to appear before the investigative committee and make an oral statement, and answer questions. In any appearance before the investigative committee, the person(s) alleged to have committed research misconduct may be accompanied by one person, who may be an attorney, to advise him/her. The advisor shall not address the investigative committee, speak on behalf of the person, or otherwise participate actively in the investigation. The person(s) alleged to have committed research misconduct

may not be present during testimony of other witnesses or during committee deliberations, nor may he/she have access to committee records.

M. In the event criminal actions are discovered during the investigation, the proper authorities will be notified and the investigation will be suspended until those notified authorities approve its resumption.

N. During the investigation, interim administrative action may be taken by the Vice Chancellor for Academic Affairs when justified by the need to protect the health and safety of research subjects, the interests of students and colleagues, or the University. Administrative action may range from slight restrictions of activities, reassignment of activities, or suspension of all research activities of the person(s) alleged to have committed research misconduct. Interim administrative action will be taken in full awareness of how it might affect the individuals and the ongoing research within the institution.

O. The investigation into allegations of research misconduct may have any number of outcomes, including but not limited to a determination that:

- 1. no research misconduct or serious research error was committed;**
- 2. no research misconduct was committed, but serious research errors were discovered in the course of the investigation; or**
- 3. research misconduct was committed.**

P. The investigative committee will provide a draft report to the Chair of the Research Committee who will provide copies to the person(s) alleged to have committed research misconduct, the complainant(s), and the Vice Chancellor for Academic Affairs for their comment prior to preparation of the final written report. This report will contain the tentative findings of the investigative committee with its rationale. The investigative committee will allow at least 15 calendar days from the date the report is mailed to the Chair of the Research Committee for input from any of the parties receiving the draft report before preparing the final report. Copies of the final report will be distributed by the Chair of

the Research Committee to the person(s) alleged to have committed research misconduct, the complainant(s), the Vice Chancellor for Academic Affairs, and the appropriate office of research administration.

V. Procedures Once the Investigation is Complete

A. The Research Committee will conduct a substantive review of the findings and rationale of the investigative committee within 15 calendar days from the date of the final report of the committee. The Research Committee may accept or modify the findings of the investigative committee and shall recommend corrective or disciplinary action, if appropriate. The Chair of the Research Committee will report in writing the action of the Research Committee to the Vice Chancellor for Academic Affairs, the chair of the investigative committee, the complainant(s), those alleged to have committed research misconduct, the appropriate office for research administration, and others notified of the investigation.

B. No finding of research misconduct: When the investigation finds no support for allegations of research misconduct and

the Research Committee concurs, the University of Arkansas at Pine Bluff will retain the findings of the investigation in a confidential and secure file in the Office of the Center for Multi-Purpose Research and Sponsored Programs. The Chair of the Research Committee will notify in writing all persons informed of the investigation that the allegation lacked substance. The Vice Chancellor for Academic Affairs will take reasonable steps to repair the reputations of those alleged to committed research misconduct.

If the allegations of research misconduct are found to be maliciously motivated, appropriate disciplinary actions will be taken against those responsible. If the allegations, however incorrect, are found to have been made in good faith, no disciplinary measures will be taken against the complainant(s), and efforts will be made to prevent retaliatory actions. The Vice Chancellor for Academic Affairs will be responsible for these efforts.

- C. Serious research error is found: When serious research error has been found, the University of Arkansas at Pine Bluff will consider means of correcting the research record. When**

appropriate, this will involve written notification by the Chair of the Research Committee to the editors of appropriate journals or other documents in which the errors were reported.

Sanctions may be imposed on those found to have committed serious research error. The Chair of the Research Committee will notify all persons informed of the investigation that serious research error has occurred.

- D. Finding of research misconduct: Sanctions will be imposed on those found to have committed research misconduct.**

VI. Sanctions

- A. The Vice Chancellor for Academic Affairs will review the corrective or disciplinary action recommended by the Research Committee. The Vice Chancellor may implement the action as recommended or modify it as appropriate.**

- B. Institutional disciplinary actions include but are not limited to:**

- 1. special monitoring of future work,**

- 2. letter of reprimand,**
- 3. removal from a particular project,**
- 4. probation,**
- 5. suspension,**
- 6. salary reduction,**
- 7. rank reduction, and**
- 8. termination of employment.**

C. The Vice Chancellor for Academic Affairs will report in writing the sanctions imposed to the person(s) found to have committed serious research error or misconduct, the complainant(s), the Chair of the Research Committee, the appropriate deans and chairs, and the appropriate office of research administration which will notify the research sponsor(s).

VII. Brief Final Report

A. The Chair of the Research Committee will prepare a brief final report which summarizes the findings of the investigative committee, the action of the Research Committee, the sanctions imposed by the Vice Chancellor for Academic Affairs, and any additional related actions by the

involved parties. When no finding of serious research error or misconduct is found, the Chair of the Research Committee will distribute the final report only to those informed of the investigation. When serious error or misconduct has been found, the Chair of the Research Committee will distribute the final report to those informed of the investigation and to appropriate individuals and agencies in the following list. The list is illustrative but not exhaustive of those who should receive the brief final report:

- 1. sponsoring agencies and funding sources**
- 2. co-authors, co-investigators, and collaborators**
- 3. editors of journals in which inappropriate research was published**
- 4. state professional licensing boards**
- 5. editors of journals or other publications, other institutions, sponsoring agencies, and funding sources with which the individual has been affiliated**
- 6. professional societies**
- 7. legal authorities if appropriate**
- 8. the person(s) who committed the research error or misconduct**

The original copy of the final report will be stored in the Office of the Center for Multi-Purpose Research and Sponsored Programs with the other documents pertaining to the investigation.

VIII. The Vice Chancellor for Academic Affairs will share all relevant information with the Chancellor, who is the Chief Executive Officer on campus. The Chancellor will issue a press release following a finding that serious research error or misconduct has occurred and sanctions have been imposed.

IX. The University of Arkansas at Pine Bluff recognizes that its investigation does not preclude sponsoring agencies from conducting their own inquiries and investigations and imposing their own sanctions as they deem appropriate.

APPROVED BY THE FACULTY SENATE

Approved



Chancellor Lawrence A. Davis, Jr.

Date

2/10/94