UNIVERSITY OF SOUTH ALABAMA
STANDARDS IN THE CONDUCT OF RESEARCH

Policy for Responding to Allegations of Research Misconduct

Table of Contents

Standards in the Conduct of Research

Policy and Procedures for Responding to Allegations of Research Misconduct

I. Introduction

1. Policy

The University of South Alabama recognizes that academic institutions have the responsibility to set standards for ethi0 Tc 0 Tw esp

laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

Respondent- the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one Respondent in any inquiry or investigation.

Upon receipt of a written allegation of research misconduct, the Research Integrity Officer will:

- inform Respondents, Complainants, and witnesses of the procedural steps in the research misconduct process.
- take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct process; including an inventory of the records and evidence and sequestering such records/evidence in a secure manner.
- provide Respondent copies of, or reasonable supervised access to, the research records.
- receive reports of and take appropriate

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4. Respondent

The Respondent will be informed of the allegations when an inquiry is opened and notified in writing of the final determinations and resulting actions. The Respondent will review the list of

described by the individual do not meet the definition of research misconduct, the Research Integrity Officer will refer the individual or allegation as necessary to other offices or officials with

might have been made to human subject, the Deciding Officials may determine that it is necessary to halt clinical trials.

2. Sequestration of the Research Records

At the time of or before the beginning of an inquiry, the Research Integrity Officer will take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct process. The Research Integrity Officer will inventory the records and evidence and sequester them in a secure manner. Where appropriate, as determined by the Deciding Official, the Respondent will be provided copies of, or reasonable, prtoc00rrocesc1b7840.3

The Research Integrity Officer will be present or available throughout the inquiry to advise and facilitate the committee as needed.

5. Inquiry Process

The inquiry committee normally will interview the Complainant, the Respondent, and key witnesses as well as examine relevant research records and materials. Then the committee will evaluate the evidence obtained during the inquiry. The committee will decide whether there is sufficient evidence of possible research misconduct to recommend that an investigation be conducted. The scope of the inquiry does not include deciding whether research misconduct occurred or conducting a full review of the evidence related to the allegation.

VI. The Inquiry Report

1. Elements of an Inquiry Report

Following the inquiry, the inquiry committee must prepare a written report that includes the following information: (1) name and position of Respondent; (2) a description of the allegations; (3) federal support for subject research, if any; (4) the basis for its recommendation regarding an

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4. Inquiry Decision and Notification

a. Decision by Deciding Official

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5. Investigation Process

The Investigation Committee should undertake its investigation within 30 calendar days after notification bnD8.52 6(b)-ic 0 T(a)6((w)4 O8.5(n)2(n)2(Td [b)-ia)6(r3-0.008()Tj)2(nu.00(n)2(n)2(b)-i)]TJ

whom information relevant to the investigation was obtained; and state the findings of the investigation with an explanation of the basis for the findings. Each statement of findings must:

- Determine a finding of research misconduct; a finding of no culpable conduct, but serious research error; or a finding of no misconduct and no serious research error.
- If a finding of research misconduct is made:
    - Summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the Respondent;
    - State whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly;
    - Identify whether any publications require correction or retraction;
    - Identify the person(s) responsible for the research misconduct;
    - List any current support of known applications or proposals for support that the Respondent has pending with PHS or non-PHS federal agencies.
    - Make recommendations to the Deciding Official on appropriate University administrative actions

2. Comments on the Draft Report

a. Respondent

The Research Integrity Officer will provide the Respondent with a copy of the Investigation Committee's report for comment. The Respondent will be allowed 30 calendar days to review and comment on the report. The Respondent's written comments will be attached to the final report.

b. Complainant

The Research Integrity Officer will provide the Complainant, if applicable, if he or she is identifiable, with those portions of the Committee's investigation report that address the Complainant's role and opinions in the investigation.

c. University Counsel

The investigation rep

of research misconduct, the University's policies and procedures, and the evidence reviewed and analyzed by the Investigation Committee. The Deciding Official may also return the report to the Investigation Committee with a request for further fact-finding or analysis. Furthermore, a request to meet with the Respondent and/or the Investigation Committee may be initiated prior to making a final decision. The Deciding Official's determination, together with the Investigation Committee's report, constitutes the final investigation report for the purposes of University and federal review. When this final report on the case has been issued, the Deciding Official will notify both the Research Integrity Officer and the Respondent in writing.

4. Transmittal of the Final Investigation Report to ORI, NSG OIG and/or Other to Relevant Entities

After comments have been received, and the necessary changes have been made to the draft report, the Research Integrity Officer should transmit the final report with attachments and any appeals, including the Respondent's comments, to the Department of Health and Human Services Office of Research Integrity yig other required federal agency 4T/o30.9(14(c)-m12(h 5.5.23 0 Tdh(s)Tj 0.002 T

- removal of the responsible person from the particular project; letter of reprimand; special

If the University determines that it will not be able to complete the investigation in 120 days, the Research Integrity Officer

XII. Other Considerations

1. Termination of University Employment or Resignation Prior to Completion of an Inquiry or Investigation

The termination of the Respondent's employment with the University, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures set forth herein.

If the Respondent, without admitting to the misconduct, elects to resign his/her position prior to the initiation of the inquiry, but after an allegation has been made, or during an inquiry or investigation, the inquiry or investigation will proceed. If the Respondent refuses to participate in the process after resignation, the ad hoc (inquiry) committee, and, if necessary, the Investigation Committee will use its best efforts to reach a conclusion concerning the allegation(s), noting in its report the Respondent's failure to cooperate and its affect on the review of all the evidence.

2. Restoration of the Respondent's Reputation

Upon receiving the report from the ad hoc (inquiry) committee and/or Investigation Committee, if the Deciding Official determines that the Respondent is exonerated of research misconduct and, where relevant, if ORI/NSF or other federal agencies concur, reasonable action(s) will be taken to preserve or restore the Respondent's reputation. Any such actions will be taken by and at the discretion of the Deciding Official, after consultation with the Respondent and appropriate University officials. Those actions may include, but are not limited to notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, or expunging all reference to the research misconduct from the Respondent's personnel file.

3. Protection of the Complainant and Others

During the pendency, and upon completion of research misconduct proceedings, regardless of whether the University, ORI, NSF OIG, or other federal agencies determine that research misconduct occurred, University officials and the Inquiry and the Investigation committees will make reasonable efforts to protect from retaliation, Complainants who made allegations of research misconduct in good faith, and individuals who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Deciding Official will determine, after consulting with other University officials, what steps, if any, are needed to restore the position or reputation of the Complainant.

4. Allegations Not Made in Good Faith

The Deciding Official will determine whether the Complainant's allegations of research misconduct were made in good faith. If a determination is made that an allegation was not made in good faith, the Deciding Official will determine whether any administrative action should be taken against the Complainant.

XIII. Record Retention

After completion of a case and all ensuing related actions, the Research Integrity Officer will maintain all records of the research misconduct proceeding, as defined in 42 CFR Section 93.317(a), for seven years after completion of the proceeding, or any ORI or DHHS proceeding under Subparts D and E of 42 CFR Part 93, or as required by the State of Alabama, whichever is later.

Related Information