



**Office of the Vice President for Research
University of Louisiana at Lafayette
Research Integrity Policy**

Revision Date: November 12, 2009
Cancellation of Policy Issued on: August 3, 2006
Responsible Office: Vice President for Research, UL Lafayette
Reference: 42 CFR 93, 45 CFR 689

I. PURPOSE:

The University of Louisiana at Lafayette seeks excellence in the discovery and dissemination of knowledge. Excellence in scholarship requires all members of the University community to adhere strictly to the highest standards of integrity with regard to research, instruction and evaluation.

As scholars and citizens of the University community, all parties must be cognizant of their responsibilities to colleagues, students, the University as a whole, the community and society at large. In addition, Federal regulations impose policies and procedures on the University for dealing with possible misconduct in science.¹

Should the conduct of research or the collection or reporting of research data and information by a member of the University community be challenged on the ground of misconduct, whether by a faculty member, student, staff member, research associate or fellow or a person outside the University, the framework for resolution of the grievance shall involve a process of peer and administrative review. Throughout, responsible and honest discourse, the protection of academic freedom, and protection of the individual against public dissemination of unwarranted allegations are the essential ingredients in the process.

The primary responsibility for detecting, investigating, reporting and resolving allegations of alleged research misconduct rests with the University, and it must promptly initiate an inquiry into any suspected or alleged misconduct brought to its attention.

The University will commit resources and personnel to insure a fair and timely resolution to any matter to which this policy pertains. All members of the university community who play a part under the guidelines of this policy must do so realizing the gravity of these matters and work diligently and promptly to resolve them.

¹ Public Health Service Regulations codified at 42 Code of Federal Regulations (2005), Section 93; National Science Foundation Regulations codified at 45 Code of Federal Regulations (1999), Section 689.1-689.9.

The procedures described below, which implement the foregoing policy statement are not intended or designed to represent rules of a judiciary. Principles of basic fairness and confidentiality shall be observed in these peer review procedures. Any allegations of misconduct must be treated on an individual-case basis.

II. PROCEDURE

A. Definitions

Allegation means any written or oral statement or other indication of possible research misconduct made to an institutional official ([42 CFR 93.201](#)).

Complainant means a person who makes an allegation of research misconduct or inadequate institutional response thereto or who cooperates with an investigation of such allegation ([42 CFR 93.203](#)).

Conflict of interest means the real or apparent interference of one person's interest with another, where potential bias may occur due to prior or existing personal or professional relationships.

Inquiry means information-gathering and initial fact-finding to determine whether an allegation of misconduct warrants an investigation ([42 CFR 93.212](#) and 45 CFR 689.2 (b)).

Inquiry Committee means a faculty committee of a chairman and at least four members. Members shall include: (a) at least three senior tenured faculty members experienced in research, and (b) a member of the Graduate Council. These appointments will be made by the President based upon the recommendations of the Vice President for Research, and the Dean of the College where the alleged misconduct has occurred. Appointments should be made with consideration being given to seat faculty members having expertise in the areas of question with no unresolved personal, professional, or financial conflicts of interest with those involved with the investigation ([42 CFR 93.310\(f\)](#)). Chairman of the "Inquiry Committee" is the "Research Integrity Officer."

Investigation means the formal examination and in-depth evaluation of all relevant facts to determine if misconduct has occurred ([42 CFR 93.215](#) and 45 CFR 689.2 (b)).

Investigative Committee means a faculty committee constituted as a University Ad Hoc Committee: see Appendix A, Document XVIII of the UL Lafayette Faculty Handbook - "PROCEDURES FOR DISMISSAL FOR CAUSE AND IMPOSITIONS OF MAJOR SANCTIONS", Item 4 under Formal Hearing before the Ad Hoc Hearing Committee. Appointments should be made with consideration being given to seat faculty members having expertise in the areas of question with no unresolved personal, professional, or financial conflicts of interest with those involved with the investigation ([42 CFR 93.310\(f\)](#)). The Research Integrity Officer will provide the Ad Hoc Committee with copies or summaries of relevant government policies and guidelines, and the Ad Hoc Committee may request additional clarification and advice from the Research Integrity Officer.

Misconduct is defined as (1) fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, reviewing or reporting research; or (2) material failure to comply with Federal requirements for

protection of researchers, human subjects or the public or for ensuring the welfare of laboratory animals. It does not include honest error or honest differences in interpretations or judgments of data ([42 CFR 93.103](#) and [45 CFR 689.1\(a\)](#)).

(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 the 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.

ORI means the Office of Research Integrity, an independent entity within the U.S. Department of Health and Human Services reporting to the Secretary of Health and Human Services. The ORI is responsible for protecting the integrity of PHS extramural and intramural research programs ([42 CFR 93.217](#)).

Respondent means the person against whom an allegation of research misconduct is directed, or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation ([42 CFR 93.225](#)).

B. Rights and Responsibilities

Research Integrity Officer - The President will appoint the Research Integrity Officer who will have primary responsibility for adherence to the procedures set forth in this document. The Research Integrity Officer will be a tenured research faculty member who is well qualified to handle the procedural requirements involved. The Research Integrity Officer must be sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Research Integrity Officer shall work closely with involved parties, including the Vice President for Research, academic administrators and faculty committees. The Research Integrity Officer will assist inquiry and investigation committees and all institutional personnel to comply with these procedures and with applicable standards imposed by government or external funding sources.

Complainant - The Complainant shall have an opportunity to testify before the inquiry and investigation committees, to review the transcripts of said testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation.

The complainant is responsible for making allegations in good faith, and maintaining confidentiality during the proceedings, but he or she may consult with others on and off campus in the preparation of his or her complaint and supporting materials, while cooperating with an inquiry or investigation.

Respondent - The Respondent shall receive written notification of the allegations, and the final determinations and resulting actions. The respondent shall also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the transcripts of said testimony, to review and make written comment on the inquiry and investigation reports, and to have the advice of counsel.

The respondent is responsible for maintaining confidentiality during the proceedings, but he or she may consult with others on or off campus in the preparation of his or her defense, while cooperating with the conduct of an inquiry or investigation.

Inquiry Committee - The Inquiry Committee shall receive written notice of the allegations to be assessed. The committee shall have 30 calendar days to review the evidence and prepare a draft report for comment by the respondent.

The committee shall act on behalf of the University and take all reasonable measures to obtain custody of, secure, and catalog all research records and evidence needed to conduct a research misconduct proceeding, with exception to multiuser equipment, in which case custody may be copies of pertinent information ([42 CFR 93.305](#)). Access to the sequestered information will be provided to the respondent in the form of copies or supervised access. During the inquiry, the committee shall maintain confidentiality of all persons and information involved. The committee shall determine if the allegation warrants investigation, based on preliminary fact-finding and information gathering, prepare the report, provide a draft for the respondent, and incorporate the respondent's comments in the final draft. The committee shall deliver the final report, including the responses of the respondent, to the President within 60 days of initiation.

Institution – The Institution has the responsibility to determine if allegations of misconduct warrant an inquiry and an investigation. The Inquiry report must be completed within 30 days of initiation. Within 30 days of determining that an investigation is warranted, the institution must notify the respondent prior to initiation of the investigation, initiate an investigation and notify ORI of the determination. The institution is responsible for ensuring a fair, thorough investigation and control of research records and evidence. The institution must submit a final investigation report to ORI 120 days after the initiation of the report.

Investigative Committee - The Inquiry Committee shall receive written notice of the allegations to be assessed, all research materials and evidence secured by the Inquiry Committee. The committee shall have 90 calendar days to review the evidence and prepare a draft report for comment by the respondent.

The committee shall act on behalf of the University and take all reasonable measures to obtain custody of, secure, and catalog all research records and evidence needed to conduct a research misconduct proceeding, with exception to multiuser equipment, in which case custody may be copies of pertinent information ([42 CFR 93.305](#)). Access to the sequestered information will be provided to the respondent in the form of copies or supervised access. During the investigation, the committee shall maintain confidentiality of all persons and information involved. The committee shall interview all persons involved, review all documents, prepare a report, provide a draft for the respondent, and incorporate the respondent's comments in the final draft. The committee shall deliver the final report, including the responses of the respondent, to the President within 110 days of initiation.

C. Mechanisms for Inquiry into Alleged Misconduct in Research

Initial reports, written or oral, of alleged misconduct are to be brought to the attention of the person responsible for the individual(s) whose actions are in question. There is no time limit between the alleged misconduct and the initial report date.

The initial report is made to the departmental head, who must refer the matter in writing to the Dean of the College, the Vice President for Academic Affairs, the Vice President for Research, and the Research Integrity Officer within seven (7) working days of receipt thereof, with or without comments. The person accused of misconduct will be notified within three (3) working days of the receipt of report by the Research Integrity Officer. If the circumstances warrant, the person making the original allegations may report the incident directly to the Dean, the Vice President for Academic Affairs, the Vice President for Research, and/or the Research Integrity Officer.

Should the allegations meet the definition of [misconduct](#) ([42 CFR 93.103](#) or 45 CFR 689.1(a)) as determined by either the Dean, the Vice President for Academic Affairs, Vice President for Research, and/or Research Integrity Officer, the Vice President will make a recommendation for an inquiry to the President, within seven (7) working days of receipt of alleged misconduct.

Within ten (10) working days of receipt of a written notice of alleged misconduct and recommendations of the Vice President for Research, the President shall appoint an Inquiry Committee. The inquiry is designed to put promptly to rest frivolous, clearly erroneous or otherwise unjustified allegations and must be completed within sixty (60) days of initiation.

The inquiry committee, shall solicit relevant information from the complainant and the respondent, interview witnesses, review and maintain copies of research records, consult experts in the field and/or take such other steps as are in their judgment appropriate to the inquiry. The respondent may elect whether to be interviewed or not during the inquiry. If the respondent is interviewed, he/she may be accompanied by an adviser, but the adviser may not present the case or otherwise participate except to provide advice to the respondent. Within 30 working days or less of the reporting of the matter to the Committee, the Inquiry Committee will review the available information, make a written report, and provide a draft to the respondent for comment. Within 60 days or less of the reporting of the matter to the Committee, the Inquiry Committee will prepare the final report containing

- 1) the name and position of the respondent,
- 2) a description of the allegations of misconduct,
- 3) the PHS support involved, including grant numbers, applications, contracts and publications,
- 4) the basis for recommending that the alleged actions warrant an investigation, and
- 5) the comments on the report by the respondent and/or complainant.

The Inquiry Committee shall reach its determination, considering all relevant factors, including, but not limited to: (1) the accuracy and reliability of the source of the allegation of the misconduct; (2) the seriousness of the alleged misconduct; (3) the scope of the alleged incident and the context in which it became known; and (4) other information obtained during the inquiry. The final report will be provided to the Vice President for Research.

The Vice President for Research will recommend to the President whether to terminate the inquiry or proceed with a formal investigation based on the report of the Inquiry Committee. If it is determined by the Vice President for Research that there is not sufficient basis for pursuing the allegations, this conclusion will be reported to the President with a recommendation that the matter be considered closed. If the Vice President for Research deems a more thorough investigation is warranted, the

recommendation to the President will be to form an Ad Hoc Committee to serve as an Investigative Committee. If the evidence reveals possible criminal violations, the recommendation to the President will also be to have the file turned over to the appropriate legal authority for review.

The findings and recommendations from the Inquiry Committee, as well as the Vice President's recommendations, will be documented in a written report to the President along with the President's written response to the recommendation. The Vice President for Research will be responsible for maintaining an appropriately constituted file for each inquiry. Inquiry results and the President's decision will be made available in a timely manner to the individual(s) accused, to the person(s) making the allegations, and to the Inquiry Committee. All materials gathered by the Inquiry Committee, as well as its findings and recommendations, will be made available immediately to the Investigative Committee, if it is convened.

The Vice President for Research will notify immediately the Federal agency sponsoring the activities of the individual(s) and ORI, if findings from the inquiry process indicate an investigation is to be undertaken or, if warranted, prior to the decision to initiate an investigation. The following factors will be considered in deciding when to notify the sponsoring agency: (a) the seriousness of the alleged misconduct; (b) an immediate health hazard;(c) an immediate need to protect the interests of the sponsoring agency; (d) an immediate need to protect the human or animal subjects of the research; (e) the University's responsibility to the scientific community and the public at large; and/or (f) an indication of possible criminal violations.

D. Mechanism for Investigation of Alleged Misconduct in Research

If the President deems a more thorough investigation is warranted, he/she shall convene an Investigative Committee, within 30 days of the determination, and supply the inquiry report and his determination on or before the date the investigation begins. In undertaking this investigation, the Committee will act promptly, ensure fairness to all, secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence, and take precautions against real or apparent conflicts of interest. An investigation may consist of a combination of activities including but not limited to: (1) review of readily available documents; (2) review and copying of data or other pertinent documents of the University or elsewhere; (3) review of the administrative procedures and/or methods at the University, including whatever investigative process has been involved; (4) inspection of laboratory or clinical facilities and/or materials at the University; (5) interview of parties and witnesses who may have been involved in or have knowledge about the case; (6) review of research publications; (7) invitations to outside consultants to participate in an investigation, either as site visitors to the University or in some other capacity; (8) review of any documents or evidence provided by or properly obtainable from parties, witnesses or other sources; (9) cooperation with other Federal agencies; (10) opportunity for the subject of the investigation to be heard; and (11) full adjudicatory hearings or other formal proceedings as warranted.

Within 90 days of its appointment, the Investigative Committee will formulate a draft written report of its findings and conclusions regarding the validity of the accusations, provide it to the respondent for comment, and prepare a final report, including administrative action recommendations. The final investigation report will:

- 1) include the nature of the allegations of research misconduct,
- 2) document the PHS support, applications, and publications involved,

- 3) describe the specific allegations of research misconduct,
- 4) identify the institutional policies and procedures utilized during the investigation,
- 5) identify and summarize the research records and evidence reviewed,
- 6) identify all evidence taken into custody,
- 7) identify any evidence not taken into custody, and provide the reason for this,
- 8) provide a finding for each separate allegation: misconduct or no misconduct.

When misconduct is determined, the report will:

- 1) identify the misconduct as falsification, fabrication or plagiarism, and indicate intentional or reckless disregard
- 2) summarize the facts and analysis supporting the conclusion
- 3) consider the explanation of the respondent and any rebuttal evidence
- 4) identify current and pending support
- 5) identify publications in need of correction or retraction
- 6) identify responsible persons
- 7) include and consider any comments made by the respondent and complainant.

Within 110 days, the Investigative Committee will make a recommendation to the President and provide the final. He/she may recommend appropriate interim administrative actions and will keep the applicable sponsoring agency apprised of any developments during the course of the investigation. The University will disclose facts that: (1) may affect current or potential support for the individual(s) under investigation; (2) the sponsoring agency needs to know to ensure appropriate use of its funds; (3) protect the public interest; or (4) indicate actions of criminal violations.

E. Action to be Followed Subsequent to an Investigation

If the alleged misconduct is substantiated by a thorough investigation, ORI will be provided the final report within 10 days of completion and the following actions, if appropriate, will be completed in a timely manner: (1) appropriate sponsoring agencies will be notified of the findings of the investigation; (2) all pending abstracts and papers emanating from fraudulent research will be withdrawn or corrected; (3) editors of journals in which previous abstracts and papers appeared will be notified; (4) other institutions and sponsoring agencies with which the individual has been affiliated will be notified if there is reason to believe that the validity of previous research might be questionable; and (5) action upon any other recommendations made by the Investigative Committee.

F. Protection of Rights

From the onset, to the extent allowable by law, the University will protect the rights and reputations of all parties, including the individual(s) who report the perceived misconduct in good faith, the individual(s) about whom the allegations are made, and the members of the Inquiry and Investigative committees.

The Vice President for Research , along with the Research Integrity Officer, will afford the affected individual(s) confidential treatment to the extent allowable by law, a prompt and thorough inquiry and/or investigation, an opportunity to provide evidence and/or documentation relative to the allegations, and an opportunity to comment on allegations and findings of the Inquiry Committee and its recommendations and the findings of the Investigative Committee and its recommendations.

The University, in consultation with legal counsel, will consider release of information about the incident to the public press.

If the alleged misconduct is not substantiated by a thorough investigation, formal efforts will be undertaken to restore fully the reputation of the researcher(s) under investigation. In addition, appropriate action will be taken against any parties whose involvements in leveling unfounded charges were demonstrated to have been malicious or intentionally dishonest.

Subsequent to the completion of an investigation, faculty practices and institutional policies and procedures for promoting the ethical conduct of research and investigating allegations of misconduct will be scrutinized and modified in the light of experience gained.

G. Recapitulation of Time Considerations

1. Within seven (7) working days of receipt of alleged misconduct the department head or dean must report the alleged misconduct in writing to the Dean of the College, the Vice President for Academic Affairs, the Vice President for Research, and the Research Integrity Officer.

2. Within three (3) working days of the receipt of report, the Research Integrity Officer will notify the person accused of misconduct.

3. Within seven (7) working days of receipt of written alleged misconduct, the Vice President for Research will make recommendations to the President to either dismiss the allegations or refer them to an Inquiry Committee.

4. Within ten (10) working days of receipt of a written notice of alleged misconduct and recommendations of the Vice President for Research, the President shall appoint an Inquiry Committee, which shall convene and commence its inquiry and report within thirty (30) days of its appointment its findings to the Vice President for Research, who shall promptly forward the report together with his recommendations to the President.

If the inquiry cannot be completed within thirty (30) working days, the Vice President for Research will notify the sponsoring agency immediately, provide the reasons for the delay, and indicate when the inquiry would be completed.

5. If an investigation is recommended by the Inquiry Committee, within ten (10) working days of receipt of the written findings and recommendations, the President shall appoint the Investigative Committee, which shall convene and commence its investigation within twenty (20) days and report, within one hundred ten (110) days of its appointment, its findings and recommendations. The Vice President for Research shall promptly forward the report together with his/her recommendations to the President.

If an investigation is recommended by the Inquiry Committee, the Vice President for Research shall notify in writing the sponsoring agency of the decision to initiate an investigation and shall keep that sponsoring agency informed of the process.

In the event that the investigation cannot be completed within one hundred twenty (120) working days, the Vice President for Research shall notify the sponsoring agency immediately, provide the reasons for the delay and indicate when the investigation would be completed. Thereafter, a report will be

submitted to the sponsoring agency every sixty (60) working days until such time that the investigation and all attendant actions are completed.

6. If an investigation is found unwarranted by the Inquiry Committee and the Inquiry Committee reports that no further action should be taken, the Vice President for Research shall promptly forward the report together with his recommendations to the President. He/she should follow this same procedure if the recommendation of the Investigative Committee is that no further action be taken.

7. Within ten (10) working days of receipt of any written report of the Inquiry or Investigative Committee and the recommendation of the Vice President for Research, the President shall issue his written disposition of the matter and notify in writing the accused individual(s) of the decision.