

4.5.3 Misconduct or Fraud in Research

UT Southwestern 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.

4.5.3.1 Misconduct or fraud in research is defined as 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 judgements of data.

4.5.3.2 Misconduct or Fraud in Research is a major breach of the relationship between a faculty or staff member and UT Southwestern. 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. Coauthors 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.

4.5.3.3 Scholarly activities that involve faculty and student/trainee collaboration are encouraged and may be positively recognized in the faculty evaluation process. Issues related to faculty and student/trainee collaboration may include matters such as expected contributions of each party, order of authorship, and/or the type of citation to be given. These issues 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/trainee contributions must be made in all published documents.

4.5.3.4 Any inquiry or investigation of allegations of misconduct or fraud in research must proceed promptly and with due regard for the reputation and rights of all individuals involved.

4.5.3.5 UT Southwestern will take all reasonable steps to assure that

1. the persons involved in the evaluation of the allegations and evidence have appropriate expertise;
2. no person involved in the evaluation is either biased against the accused person or has a conflict of interest; and
3. affected individuals will receive confidential treatment to the maximum extent possible.

4.5.3.6 Procedures for Addressing Misconduct or Fraud in Research

1. Allegations of misconduct or fraud in research should be brought to the attention of the appropriate department chair or center director, and dean.³ The dean will bring such allegations to the attention of the principal investigator of the research program and any researchers (regardless of level) affected by the allegations. The dean, 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 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-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 the relevant interviews, and a statement of the conclusions reached together with the rationale for such conclusions. The report shall be accompanied by all written statements, data, or other evidence considered during the inquiry. The president shall provide the person against whom the allegations have been made a copy of the inquiry report and an opportunity to comment on allegations and findings. Any comments by the person against whom the allegations have been made must be made to the president within ten days.
3. The president, with such advice and consultation as may be deemed appropriate, shall review the inquiry report, including the record made and the comments, if any, of the person against whom the allegations have been made. The president shall 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 should be commenced pursuant to the established due process procedures of UT Southwestern in its *Handbook of Operating Procedures*, and the UT System Regents' *Rules and Regulations*. The hearing procedures must begin within thirty days after the conclusion of the inquiry.
4. If it is determined that the allegations of misconduct or fraud in research are not substantiated, diligent efforts will be undertaken by UT Southwestern to restore the reputation of the person against whom the allegations were made. Diligent efforts will also be taken to protect the position and reputation of the person who, in good faith, made the allegations.
5. In the event that the allegations are admitted by the person against whom they are made or the hearing procedures result in a determination that the allegations are true, UT Southwestern will notify any agency sponsoring the research of the facts related to the allegations, the conclusions reached, and the penalty imposed by UT Southwestern. Copies of documentation substantiating the findings will be provided to the sponsoring agency upon request.

³ If the allegations involve the department chair, center director or dean, each action specified in 4.5.3.6. for the dean, shall be undertaken by the president or his designee.

6. Appropriate notice will be given to the editors of all journals to which articles related to the affected research have been submitted.

7. All documentation of the allegations, inquiry and/or investigation, conclusions, and actions by UT Southwestern based on the conclusions will be maintained by UT Southwestern in confidence.

4.5.3.7 Additional Procedures for Allegations of Misconduct or Fraud in Research Related to Public Health Service Projects

1. In the event that allegations of misconduct or fraud in research are made with regard to an application for, or grant of, funds for research, research-training, a research-related activity, or a cooperative agreement under the federal Public Health Service (PHS) Act, appropriate actions must be taken to protect federal funds and to ensure that the purposes of the federal financial assistance are being carried out. Such appropriate actions are listed below:

2. Notify the Office of Research Integrity (ORI) of the Office of the Director of 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 either to protect federal funds or property or to protect the interests of the person making the allegation or of the person against whom allegations have been made and/or their co-investigators;

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 twenty-four hours of obtaining such information.

3. Notify ORI of any developments during the course of the investigation which disclose facts that may affect current or potential HHS funding for individuals under investigation or that the PHS needs to know to ensure appropriate use of federal funds to otherwise protect the public interest.

4. Notify 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 against whom allegations of misconduct have been made, the general nature of the allegations, and the PHS allegations or grant number involved.

5. Notify 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.

6. Provide ORI with a final report within 120 calendar days of initiation of the

investigation of any disciplinary or termination procedure, including a description of such procedure, the sanction imposed, how and from whom relevant information was obtained, the conclusions reached, the basis for such conclusions, and any statement or views of the person found to have engaged in misconduct.

7. 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.

8. If an investigation is not warranted, detailed documentation of the inquiry will be maintained for at least three years and provided to authorized HHS personnel upon request.