

Regulations of Florida A&M University



1.020 Misconduct in Research.

(1) University Policy – It is the policy of Florida A & M University (University) that each individual faculty and staff member and student is expected to maintain high ethical standards in the conduct and reporting of his/her research. Should alleged incidents of misconduct in research occur, reporting of such possible violations is a shared responsibility, and it is the duty of the faculty, staff members and students to respond in a fitting manner to resolve issues arising from such alleged misconduct.

(2) Faculty, Staff, and Student Responsibilities – Faculty, staff, and students at the University are expected to maintain ethical standards in the conduct and reporting of scientific and scholarly research. Faculty, staff, and students who create scholarly products or works of art must guarantee that originality of their work and provide credit for the ideas of others upon which their work is built. All authors on published work are responsible for the accuracy and fairness of the presented information. It is expected that faculty, staff, and students consider individuals for inclusion as authors on work submitted for publication if they have contributed substantially and intellectually to the work. Special care must be taken to clarify authorship with entry level professional persons such as graduate students and trainees, preferably before the work is begun.

(a) Falsification, fabrication and non-acknowledgement of use of data of others by faculty, staff and students is unethical and prohibited. At the outset of any research project all participants are expected to discuss and agree upon data management, access and retention procedures including procedures for having participants join or leave the project. Privacy of collected data and rights to intellectual property must be protected. Student rights to data are expected to be clearly specified.

(3) Definition of Misconduct – Misconduct or research misconduct means fabrication, falsification, plagiarism or other practices that seriously deviate from accepted standard of scientific or scholarly research within the scientific community for proposing, conducting or reporting research. It does not include honest errors or honest differences in interpretation or judgments of data or honest errors in the recording, selection or analysis of data. Acts of failure to comply with federal guidelines or requirements or

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University research policies and procedures do not fall within the definition but are addressed under other University policies and procedures.

(4) Procedures for Reporting Allegations of Misconduct in Research, Research Training or Research Related Activities — Allegations of misconduct in research, research training or research related activities should be summarized in writing, providing appropriate information and filed by any individual who has reason to believe that such misconduct has occurred. Relevant documentation supporting the allegation should be included with the summary. Normally this report will be submitted to the Office of the Inspector General or any successor office or reported via the University's Compliance Hotline for assignment of an investigator(s). However, any University official who receives such a report shall communicate the report to the Office of the Inspector General or any successor office.

- (5) Procedures Governing Inquiries into Allegations of Misconduct in Research —
- (a) Initial/Informal Inquiry – It is the responsibility of the assigned investigator(s) to promptly initiate an informal inquiry into the allegation of misconduct to determine if there an informal resolution is possible. The investigator shall meet with the complainant as soon as possible to discuss the misconduct allegation. If the misconduct allegation is found to be mistaken, unjustified, without basis, unsubstantiated or frivolous, the allegation shall be dismissed. This informal review shall be completed within ten (10) working days. A complete record of the allegation, steps taken to review such allegations and the reasons for dismissal shall be maintained by the Office of the Inspector General or any successor office. Upon a determination or evidence that the misconduct allegation may have basis, the investigator(s) must proceed with a formal inquiry of the allegation.
 - (b) Formal Inquiry – The investigator(s) shall commence formal inquiry within ten (10) working days of completion of the informal inquiry.
 - 1. The investigator(s) shall inform the Provost and Vice President for Research of the initiation of the formal inquiry.
 - 2. The accused shall be informed of the allegations and initiation of the formal inquiry by certified mail, return receipt requested and will be

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provided an opportunity to respond. A copy of this rule will be provided to the accused, and the accused will be advised of the procedures used by the University. The accused has the right to retain legal counsel.

3. All original research data or other information related to the allegation should be secured by the assigned investigator(s), to preserve the data. In advance of securing the data, the accused shall be informed of the reasons for securing the data unless there is a concern that data or information will be lost, altered, or made inaccessible.

- (c) The formal inquiry shall be completed and the detailed, final written report, which includes comments and information provided by the accused, submitted to the Provost and Vice President for Research within forty-five (45) days of report of the allegation, unless a longer period is clearly warranted and adequately documented. Final reports shall indicate the evidence reviewed, include a summarization of the interviews conducted and must state conclusion of the inquiry, such as, the allegations are unsubstantiated or does not fall within the definition of misconduct or that an investigation is warranted based upon on finding of specified credible evidence. The final report of the inquiry must be maintained in accordance with subparagraph (10) below.
1. Upon the investigator(s)'s finding that no investigation is warranted, the inquiry shall be terminated, unless the Provost and the Vice President for Research has additional concerns. If the inquiry is terminated, the accused shall be so notified.
 2. Upon the investigator(s)'s finding that an investigation is warranted, a formal investigation shall commence in accordance with subsection (6) below.
- (6) Procedures Governing Investigations into Allegations of Misconduct in Research.
- (a) If the investigator(s) concludes an investigation is warranted or the Provost and Vice President for Research determine an investigation is necessary, such investigation shall commence within fifteen (15) business days of the conclusion of the inquiry. The Office of the Inspector General or any

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successor office or the University's Compliance Office shall also conduct the investigation.

(b) Notifications –

1. The accused shall be informed of the initiation of the investigation by certified mail, return receipt requested. Upon initiation of the investigation, a record of the proceedings will be made available to the accused.

2. Notification to External Agencies – The University will comply with the regulations of its funding agencies.

(i) Federally-funded research: On or before the date the investigation commences, the decision to initiate an investigation shall be reported, in writing, to the appropriate office of the sponsoring agency or agencies, such as the Office of Scientific Integrity (OSI) of the National Institute of Health and/or the Office of Scientific Integrity (OSIR) Review of the Public Health Service by the Vice President for Research. Such written notice must include, at a minimum, the following: name(s) of the individual(s) against accused, general nature of the allegations, proposal/application or award numbers. A copy of the notice shall be provided to the accused.

(ii) Sponsors will be notified in writing, by the Vice President for Research, at any stage of the investigation if any of the following condition are discovered: (i) an immediate health hazard, (ii) an immediate need to protect federal funds or equipment, (iii) an immediate need to protect the interests of the person(s) making the allegations or of the accused, co-investigators or colleagues, (iv) probability that the allegations will be reported publicly, or if there is indication of possible criminal violation, in which case notification within twenty-four (24) hours of obtaining that information is required.

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(iii) The Vice President for Research shall also keep the designated agency official informed of any development during the course of the investigation which discloses facts that may affect current or potential agency funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use of federal funds and otherwise protect the public interest. The Vice President for Research shall take interim administrative actions, as appropriate, to protect federal funds and insure that the purposes of the federal financial assistance are carried out.

(iv) If the Vice President for Research plans to terminate an inquiry or investigation for any reason prior to completing all relevant requirements, a report of such planned termination, which includes the reasons for such termination.

(c) The investigation shall be completed and a report forwarded to the Provost and Vice President for Research within ninety (90) days after initiation of the investigation; however, no later than one hundred twenty (120) days after initiation of the investigation. This one hundred twenty (120) day period includes conducting the investigation, preparing the report of findings, making the report available for comment by subject of the investigation and making the report available to the ORI or other federal funding agency, as appropriate. If the Office of the Inspector General or the University's Compliance Office determines that the investigation cannot be completed within one hundred twenty (120) days, it must notify the Provost and the Vice President for Research. The Vice President for research must submit a written request to ORI or the appropriate federal funding agency, for an extension and an explanation for the delay that include an interim report on the progress to date and an estimated date of completion of the report.

(d) Upon completion of the investigation, the investigation shall submit a written report of its findings and recommendations to the Provost and Vice President for Research. A copy of the final report will be provided to the accused,

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and the accused will be provided an opportunity to respond. If a federally-sponsored project is involved, the final report submitted to the agency official shall include a description of the procedures under which the investigation was conducted, the parties interviewed, how and from whom information was secured, a summary of the records compiled during the investigation, the finding, the basis for the finding and a copy of accused's written comments.

(7) Actions Following Investigation —

(a) Findings of No Misconduct. If the investigator(s) does not find evidence of that the accused engaged in misconduct, the Vice President for Research must inform the accused and all appropriate parties of the investigator's findings, including the sponsoring agencies. The University will make diligent efforts to restore the reputation of the accused when allegations are not confirmed.

(b) Determination of Discipline in Finding of Misconduct. If the investigator finds evidence that the accused has engaged in misconduct, the Provost, Vice President for Research or appropriate administrator responsible for appointment or discipline shall, within ten (10) business days of the investigator's report, make a preliminary determination as to the action to be taken by the University. The accused shall promptly be informed of such action to be taken and the reasons for such actions. The Vice President for Research shall provide a copy of the investigation report and inform federally sponsor of official actions and sanctions taken by the University. Thereafter, formal action will be taken in accordance with applicable University rules, collective bargaining agreements and student disciplinary codes. The accused shall have appeal rights as set forth in the applicable University rule, collective bargaining agreement, or disciplinary code.

(8) Rights and Protection of Individuals Reporting Misconduct.

(a) Florida A & M University will endeavor to protect the rights and reputation of faculty, staff and students who make good faith reports of alleged misconduct in research as well as the rights of those accused of misconduct in research from job-related disciplinary reprisals, retaliatory conduct, recrimination during the inquiry and investigatory process and while employed with the University. Any job-related disciplinary reprisals, retaliatory conduct, recrimination against an

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individual making reporting alleged misconduct in research is subject to disciplinary action in accordance with University rules and policies and applicable collective bargaining agreement.

(b) Confidentiality. To the greatest extent permitted by State of Florida and federal law, confidentiality shall be maintained during the inquiry and investigative process. All individuals involved in the investigation shall be informed of the requirements of confidentiality. Except as required in the preceding provisions, only those directly involved in an inquiry or investigation should be aware of the process or have access to information obtained throughout the process. Any improper distribution, in any manner, of information relating to alleged misconduct shall be subject to disciplinary action in accordance with University rules and policies and applicable collective bargaining agreement.

(c) Precautions shall be taken to avoid real or apparent conflicts of interests of individuals involved in a research misconduct inquiry or investigation.

(9) Actions Related to False Reporting. Any false allegations or allegations made in bad faith shall be subject to disciplinary action in accordance with University rules and policies and applicable collective bargaining agreement.

(10) Records. Records pertaining to the allegation, inquiry and investigation of the misconduct in research shall be maintained for a period of at least three years by the Office of the Inspector General or any successor office after the termination of the inquiry or investigation and shall, upon request, be provided to the federal sponsoring agency. If a federally-sponsored project is involved, the records shall be maintained in accordance with applicable federal regulations.