

POLICY STATEMENT 69

RESEARCH MISCONDUCT

POLICY DIGEST

Monitoring Unit: Office of Research & Economic Development
Initially: 811 (evel)-10711-10.4 (c)-14 (D)-350c.4 (c)-14. 14 &c_3/<m-2S6t
Last Revised: July 21, 2023

I. INTRODUCTION

*Federal law requires Federal agencies sponsoring research to require an awardee institution to have such a policy in place. For instance, Section 215 of the Public Health Service Act 58 Stat.690 (42 U.S.C.216); (Section 1066, Public Health Service Act, 84 Stat. 1507 (42 U.S.C 300a-4); unless otherwise noted (available in the Office of Research & Economic Development), provides that the Secretary, by regulation, require that entities receiving Federal funds for the conduct of research, research training and related research activities submit assurances that these entities have established, based on regulations prescribed by the Secretary, an administrative process to review reports of alleged research misconduct, research training and related research activities, and a mechanism for reporting any investigation of alleged research misconduct to the Secretary.

A. General Policy

Louisiana State University and Agricultural and Mechanical College (LSU) has a commitment to high ethical standards in research and scholarship, and expects that all personnel serving in any capacity in research will work to ensure the integrity of science and scholarship. In the event of possible deviation from these standards, LSU provides this policy and administrative procedure to review reports of alleged research misconduct conducted under University auspices. The procedures do not create any right or benefit, substantive or procedural, enforceable at law by a party against the institution, its agencies, or employees. Definitions of terms used in this policy are found in section II.

The primary responsibility for detecting, investigating, reporting and resolving allegations of research misconduct rests with the University. If warranted, the University must take whatever action is necessary to ensure the integrity of research; the rights and interests of research subjects, the public, the respondent, and the complainant; and the observance of relevant legal requirements imposed by any involved funding agency.

2. "Burden of proof.

a.

record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions” [1].

- K. Investigative Committee means a committee of a minimum of six senior tenured faculty members (or other appropriate professionals), at least three of whom have expertise in the research area in question, to be appointed by the President based upon the recommendation of the Vice President for Research & Economic Development and the Dean of the College where the alleged research misconduct has occurred. Committee members may be scientists, subject-matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside LSU. Investigative Committee members will not ordinarily include individuals who served on the Inquiry Committee. An attorney may be named to serve in an advisory capacity, and a recording secretary will be designated to record the proceedings of the meetings.
- L. Office of Research Integrity means the office to which the US Department of Health and Human Services (HHS) has delegated responsibility for addressing research integrity and misconduct issues related to the US Public Health Service supported activities.
- M. Plagiarism is “the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit” [1]. It does not include authorship or credit disputes. Plagiarism which takes the form of theft or misappropriation of intellectual property includes the unauthorized use of ideas or unique methods obtained via privileged communication, such as a grant or manuscript review.
- N. Preponderance of the evidence means “proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not” [1].
- O. Research means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research).
- P. Research Integrity Officer means the institutional official responsible for assessing allegations of research misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations. The Research Integrity Officer for LSU is the Vice President for Research & Economic Development, unless otherwise designated by the President.
- Q. Research record means “the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to HHS or an institutional official by a respondent in the course of the research misconduct proceeding” [1]. It also includes any documents and materials provided to other relevant funding agencies.
- R. Research misconduct – See definition in section I.C.
- S. Respondent means 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 in 1 2-1(es)4 (t)2 it

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found guilty of research misconduct, they have the right to receive reasonable institutional assistance in restoring their reputation.

D. Deciding Official

The Deciding Official will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The Deciding Official will consult with the Research Integrity Officer or other appropriate officials and will determine whether to conduct an investigation, whether research misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions [see section X].

As required by law, or as deemed appropriate, the Deciding Official will keep all relevant external funding agencies apprized as set forth herein of any developments during the course of the inquiry or investigation that may affect current or potential funding for the individual(s) under investigation or that the relevant agency needs to know to ensure appropriate use of external funds and otherwise protect the public interest.

IV. GENERAL POLICIES AND PRINCIPLES

A. Protecting the Complainant

The Research Integrity Officer will monitor the treatment of individuals who bring allegations of research misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The Research Integrity Officer will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action. Employees should immediately report any alleged or apparent retaliation to the Research Integrity Officer.

Also the institution will protect, to the maximum extent possible, the privacy of those who report research misconduct in good faith. For example, if the complainant requests anonymity, the institution will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The complainant will be advised that if the matter is referred to an Investigative Committee and the complainant's testimony is required, anonymity may no longer be guaranteed. The complainant may bring a personal advisor to interviews or meetings on the case. LSU is required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

B. Protecting the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the respondent(s) and confidentiality, to the extent possible without compromising public health and safety or a thorough inquiry or investigation.

Covered individuals accused of research misconduct may consult with legal counsel or other personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case. The presence of a legal

counsel representing the respondent during an inquiry or investigation will require the presence of legal counsel representing the University. Counsels will not be permitted to question witnesses or speak before the committee.

C. Preliminary Assessment of Allegations

Upon receiving an allegation of research misconduct, the Research Integrity Officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether externally funded support or external support applications are involved, and whether the allegation falls under the definition of research misconduct for the relevant agency. Normally, the preliminary assessment by the Research Integrity Officer will be completed in one month or less. If the Research Integrity Officer deems an inquiry to not be warranted, they will so inform the individual who brought the allegation and any others made privy to the information in the course of the assessment.

V. CONDUCTING THE INQUIRY

A. Initiation and Purpose of the Inquiry

Following the preliminary assessment, if the Research Integrity Officer determines that the allegation provides sufficient information to ~~proceed with an inquiry~~ (b) (5) - (f) - 14 (ic) - 2 (l) - 4 (Np1 (V.) Tj 317 (m) - 3 (at16 (o

membership within 5 calendar days. If the respondent submits a written objection to any appointed member of the Inquiry Committee based on bias or conflict of interest within 5 additional calendar days, the Deciding Official, on recommendation of the Research Integrity Officer, will determine whether to replace the challenged member with a qualified substitute without expanding established time restrictions.

D. Charge to the Committee and the First Meeting

After appointment of the Inquiry Committee, the Research Integrity Officer will convene its first meeting within 10 calendar days. The Research Integrity Officer will present a written charge for the Inquiry Committee that describes the allegations and any related issues identified during the allegation assessment and states the purpose of the inquiry as defined under section V.A. A copy of the document will be provided to the respondent. At the committee's first meeting, the Research Integrity Officer will review the charge with the committee; discuss the allegations, any related issues, the appropriate procedures for conducting the inquiry, and the time line for completion of the report; assist the committee with organizing plans for the inquiry; and answer any questions raised by the committee. The Research Integrity Officer and institutional counsel will be available throughout the inquiry to advise the committee as needed.

E. Inquiry Process

The Inquiry Committee will normally interview the complainant, the respondent, and key witnesses as well as examine relevant research records and materials. All interviews will be tape recorded. The Inquiry Committee will then evaluate the evidence and testimony obtained during the inquiry. After consultation with the Research Integrity Officer and institutional counsel, the committee members will decide whether there is sufficient evidence of possible research misconduct to recommend further investigation. The Inquiry Committee will 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 research misconduct, (2) the seriousness of the alleged research 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 Inquiry Committee determination will be based on a majority vote, with the chair voting. The scope of the inquiry does not include deciding whether research misconduct occurred or conducting exhaustive interviews and analyses, nor does it include delving into issues not directly relevant to the allegation.

investigation, and the time line for completion of the report; assist the committee with organizing plans for the investigation; and answer any questions raised by the committee. The need for confidentiality will be emphasized. The Research Integrity Officer and institutional counsel will be available throughout the investigation to advise the committee as needed.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Research Integrity Officer, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents. Any proceedings against additional respondents will be instituted de novo with respect to processes defined in this policy.

E. Investigation Process

The Investigative Committee will be appointed and the investigative process initiated within 30 calendar days of the completion of the inquiry, if findings from that inquiry provide a sufficient basis for conducting an investigation.

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, e-mail, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, the committee will interview the complainant(s), the respondent(s), and other individuals who might have information regarding aspects of the allegations. 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. inspection of laboratory or clinical facilities and/or materials at the University;
4. interviews of parties and witnesses who may have been involved in or have knowledge about the case;
5. review of scientific publications;
6. invitations to outside consultants to participate in an investigation, either as site visitors to the University or in some other capacity;
7. review of any documents or evidence provided by or properly obtainable from parties, witnesses or other sources;
8. cooperation with other Federal agencies;
9. provision of opportunities for the subject of the allegations to be heard; and
10. full adjudicatory hearings or other formal proceedings as warranted. When relevant expertise is not available locally, the University will secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. All interviews will be tape recorded. The Investigative Committee determination will be based on a majority vote, with the chair voting.

VIII. THE INVESTIGATION REPORT

A. Elements of the Investigation Report

The final report must state the name and position of the respondent; name and title of the committee members and experts, if any; the allegations; the source of any relevant extramural research support; a summary of the inquiry process used; a list and summary of the research records

reviewed, including any relevant records and evidence not taken into custody and why; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate the basis for the findings; the findings for each separate allegation, and any dissenting opinions. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in research misconduct as well as a description of any recommended sanctions and administrative actions.

B. Comments on the Draft Report

The Investigative Committee will provide the Research Integrity Officer with a draft report within 60 calendar days following its first meeting. The Research Integrity Officer will provide the respondent with a copy of the draft investigation report for comment and rebuttal and will provide the complainant, if they are identifiable, with portions of the draft investigation report their allegations or testimony. The respondent will be given a copy of, or supervised access to, evidence on which the report is based.

1. Confidentiality

The Research Integrity Officer must establish reasonable conditions for review to protect the confidentiality of the draft report. For example, the Research Integrity Officer may request that the recipient sign a confidentiality statement or come to their office to review the report.

2. Receipt of Comments

Within 10 calendar days of their receipt of the draft report or the appropriate portions thereof, the complainant and respondent will provide their comments, if any, in writing to the Investigative Committee. Any comments that the complainant or respondent submits on the draft report will become part of the final investigation report and record. Based on the comments, the Investigative Committee may revise the report as appropriate. vee2 (i)6 (g)10 (a6 (g)u6 (g)107 (m)n

recorded in the investigation file and report.

2. Notification

When a final decision on the case has been reached, the Research Integrity Officer will provide copies of the final report to the respondent and the complainant; committee members will be provided an opportunity to view the final report. In addition, in the event of a finding of research misconduct, the Deciding Official will determine whether professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, law enforcement agencies, or other relevant parties should be notified of the outcome of the case, and will initiate appropriate disciplinary action. The Research Integrity Officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

D. Time Limit for Completing the Investigation Report

An investigation should ordinarily be completed within 100 calendar days of its initiation, with the initiation being defined as the first meeting of the Investigative Committee. This includes conducting the investigation, preparing the report of findings, making the draft report available to the respondent and complainant for comment, and submitting the report to the Deciding Official for approval. The Research Integrity Officer may approve an extension for good cause. If the Research Integrity Officer approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

IX. REQUIREMENTS FOR REPORTING TO US PUBLIC HEALTH SERVICE OFFICE OF RESEARCH INTEGRITY

The US Public Health Service has specific reporting requirements for alleged research misconduct involving Public Health Service research funding, as specified below. Other agencies may likewise in the future also develop similar guidelines, with which the University will comply.

- A. For research funded by the US Public Health Service, an institution's decision to initiate an investigation must be reported in writing to the Director, Office of Research Integrity, on or before the date the investigation begins. The notification should include the written finding by the Deciding Official and a copy of the inquiry report.

The Office of Research Integrity must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report, including supporting documentation and a copy of this policy. The notification should indicate whether research misconduct was found, whether the institution accepts the findings of the investigation; and a description of pending or completed administrative actions against the respondent. Any significant variations from the provisions of the institutional policies and procedures should be explained in any reports submitted to the Office of Research Integrity.

Reporting requirements for other outside funding agencies will likewise be followed to the extent that such policies exist.

- B. If an institution plans to terminate an inquiry or investigation for any reason without completing all relevant requirements of the Public Health Service regulation,

Public Health Services Policies on Research Misconduct; Final Rule, Department of Health and Human Services, Federal Register – 42 CFR Part 93 – June 2005.
http://www.ori.hhs.gov/policies/fed_research_misconduct.shtml.

XIV. APPENDIX

The following list is a combined flowchart and time line for the handling of allegations of research

1. Appointment of committee (note overlap of II.1. above)
 - a. Within 10 days of recommendation, DO appoints committee and chair Within 5 days of appointment, RIO informs respondent
 - b. Within 5 days of being informed, respondent reports objections
 - c. Within 10 days of finalizing committee, RIO convenes first meeting, which initiates the investigation
2. Investigation
 - a. Committee conducts investigation
 - b. Within 60 days of first committee meeting, draft report due to RIO, respondent, appropriate portions to complainant for comment and rebuttal
 - c. Within 10 days of receiving report, respondent and complainant provide any written comments on draft
 - d. Within 90 days of first committee meeting, final report due to RIO
3. Deciding Official
 - a. Within 10 days of receiving report, DO makes a final written determination of whether to accept report, its findings, and recommended institutional actions, and RIO immediately provides respondent and complainant copies of final report and informs committee of the determination
 - b. If finding of research misconduct is not made, all reasonable efforts are made to restore the respondent's reputation

Total days from initiation of investigation to notification of respondent: 100

Any extension of these periods must be approved by the RIO, and will be based on good cause and recorded in the inquiry or investigation file and report.