

## **FAQ Sheet on the Proposed Research Misconduct Policy** (See the full proposed Policy for all the details!)

### **Why do we have research misconduct policy?**

As a condition of receiving federal funds, the US Government (through the Office of Research Integrity (ORI)) requires the University of Arkansas to have a policy to process allegations of research misconduct that relate to federally funded research. This policy must conform to federal standards. The University of Arkansas has chosen to have a single policy that applies to all allegations of research misconduct, whether or not the research was externally funded.

### **Why are we changing our research misconduct policy?**

The Office of Research Integrity has issued new guidelines and we are responsible for bringing our policy in conformity with theirs. The proposed policy is based on a sample ORI policy and also includes some additional features suggested by faculty (outlined below). It is also intended to be more understandable and easier to follow than our current policy.

### **What is research misconduct?**

Falsification of data, fabrication of data, or plagiarism in proposing, performing, or reviewing research or in reporting research results.

### **What is *not* research misconduct?**

Everything else. Some examples are authorship disputes, copyright violations (that don't involve plagiarism), honest error, and academic disputes.

### **Who are the main participants in a research misconduct proceeding?**

- *Respondent* – the person charged with misconduct
- *Complainant* – the person who brings an allegation of misconduct
- *Research Integrity Officer (RIO)* – the person who is responsible for processing the allegation in accordance with this Policy
- *Deciding Official (DO)* – the person responsible for making a determination of whether an investigation is warranted and whether research misconduct has occurred based on recommendations by faculty committees appointed by the RIO
- According to University of Arkansas policy the RIO is the *Chair of the Research Council* (the faculty chair of this Faculty Senate Committee) and the DO is the *Provost*.

### **What are the stages of a research misconduct proceeding?**

- *Assessment* – the RIO decides whether an allegation is within the definition of research misconduct and whether there is evidence to determine whether or not research misconduct has occurred, such that an Inquiry should occur.

- *Inquiry* – a committee appointed by the RIO makes an initial review of the allegations and interviews the involved parties to determine whether there is sufficient evidence of research misconduct to warrant a full investigation of the case. The DO reviews the committee’s report and decides whether an Investigation should occur.
- *Investigation* – a committee appointed by the RIO conducts a full and thorough review of the case including interviews of all involved parties and relevant witnesses and expert analysis of any documents involved in the allegation. The purpose of the investigation is to determine whether or not research misconduct has occurred and, if it has occurred, to recommend any sanctions. The DO reviews the committee’s report and decides whether research misconduct has occurred and, if so, what sanctions should be applied.
- *Appeal* – if the DO rules that research misconduct has occurred the respondent may appeal the decision to the Chancellor, whose decision is final.

### **How does our current research misconduct policy differ from the proposed policy?**

Our current policy was approved by the Faculty Senate on October 16, 1997. It may be found on page 28 of the 2008-09 *Graduate School Catalog*. Here are the major differences:

- The definition of research misconduct is more detailed. It no longer includes mistreatment of human or animal subjects of experiments. (Such abuses will be handled through other compliance committee structures.)
- The proposed policy adds several definitions including those of preponderance of evidence, recklessly, research, and standard of review.
- Greater focus is placed on the Assessment stage, providing the RIO with authority to handle allegations which are not within the definition of research misconduct, are not made in good faith, or are more appropriately resolved by other University procedures.
- The RIO, not the DO, decides whether or not to conduct an Inquiry.
- Upon the decision to hold an Inquiry, the RIO will, with the permission of the respondent, contact the respondent’s dean.
- The Inquiry Committee is required to interview the respondent. In the current policy this is only required during the Investigation stage.
- The Inquiry Committee need not be a subset of the Research Council (although this is not precluded by the proposed Policy).
- In the current policy the respondent may seek the advice of counsel and may be accompanied to the investigation interview by an advisor (who may or may not be an attorney), but the advisor may not participate in the proceedings. The proposed policy would allow the advisor to be present at both the inquiry and investigation interviews. However, consistent with existing policy, the advisor would not speak on the respondent’s behalf as in a legal proceeding.
- The proposed policy provides additional guidance regarding the content of committee reports and the review of draft reports.
- The proposed policy provides additional guidance regarding conflict of interest for those reviewing allegations of research misconduct.
- In the current policy the decision of the DO (Provost) is final. The proposed policy allows for an appeal to the Chancellor.