

RESEARCH MISCONDUCT

As an institution of higher learning, Rice University expects all its members to maintain the highest standards of conduct in pursuing research and scholarly activities. Any form of research fraud or misconduct is contrary to the University's principles and adversely affects the reputation of all individuals in the Rice community. Moreover, since the University receives considerable external funding to support research, it has certain regulatory responsibilities to inform those participating in sponsored research activities of the funding agencies' research misconduct policies.

This policy reaffirms the commitment of Rice University to the highest principles of integrity in all its research and scholarly activities, identifies general types of research misconduct, and establishes procedures for dealing with alleged research misconduct and for complying with the policies of federal sponsoring agencies, such as the Department of Health and Human Services (HHS), the Public Health Services (PHS) and National Science Foundation (NSF). While designed to comply with federal regulations, the principles and procedures in this policy apply to all scholarly and professional activities within the Rice community and to all cases of research misconduct at Rice, whether or not they involve federal sponsors.

I. Intellectual Integrity

The maintenance of high ethical standards is central to effective research undertaken in the pursuit of knowledge. Research integrity demands the valid collection and accurate reporting of data. In order to uphold this integrity, Rice University respects the ideas and rights of others and rejects the unauthorized use of others' data or scholarship and the abuse of animal and human subjects. Rice University, its faculty, staff, and students embrace these principles of intellectual integrity, whether or not the research or scholarly activity is funded by external sources.

II. Definition of Research Misconduct

Research misconduct means fabrication, falsification or plagiarism in proposing, performing, or reviewing research, or in reporting research results. *Fabrication* is making up data or results and recording or reporting them. *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. *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research community. Research misconduct may also include a failure to comply with the federal requirements for protecting researchers, human and animal subjects and the public. Any action in connection with proposing, conducting, reviewing, or reporting research taken with the intent to defraud is also a form of research misconduct. Research misconduct does not include honest error or differences in opinion.

III. Research Misconduct Proceedings—Criteria, Reports, and Time Limitations

The primary responsibility for maintaining high standards of conduct lies with the individual researcher. Nevertheless, because research misconduct is a very serious offense, the University must also take appropriate steps to prevent its occurrence. This policy outlines the procedures to be followed in all inquiries and investigations of potential misconduct. Enforcement of research standards will include some or all of the steps identified below.

A. Allegations. Any report of alleged misconduct must be presented to the Research Integrity Officer (the Vice Provost for Research or his/her designee). Promptly after receiving an allegation of research misconduct, the Research Integrity Officer will review the allegations and determine whether they meet the definition of research misconduct and whether they are sufficiently credible and specific so that potential evidence of research misconduct may be identified. If these criteria are met, the Research Integrity Officer will determine whether the complaint should progress to the Inquiry phase. If the misconduct allegation concerns students only and no external-sponsor funds were involved, and if the Research Integrity Officer determines that the alleged misconduct is academic, rather than research or scholarly, then the Research Integrity Officer will refer the matter to the degree program in which the student was enrolled, the Associate Dean for Student Judicial Programs, the Dean of Undergraduates, or Dean of Graduate and Postdoctoral Studies. If, however, the Research Integrity Officer elects to view the matter as research misconduct, then the process described in this policy takes priority over any other academic or disciplinary process.

B. Inquiry. If the Research Integrity Officer determines that the allegations should progress under this policy, the Research Integrity Officer will initiate a discreet, confidential Inquiry (an initial review) of the evidence. This Inquiry will be completed within 60 calendar days after the Research Integrity Officer initiates the Inquiry, unless circumstances warrant a longer period and approval is obtained from the Provost. In concluding this Inquiry, the Research Integrity Officer will assess the validity of the allegations and prepare an Inquiry report outlining his/her findings and recommendations.

The Inquiry report will contain the following information:

- (1) The name and position of the respondent(s);
- (2) A description of the allegations of research misconduct;
- (3) Sources of funding for the research involved, including, for example, grant numbers, grant applications, contracts, and publications listing;
- (4) The basis for recommending that the alleged actions warrant or do not warrant a more detailed Investigation; and
- (5) Any comments about the Inquiry by the respondent.

The respondent(s) will be given a reasonable amount of time within the 60-day period to review the draft report and provide comments. The final report will be submitted to the Provost, who will review the report and make a written determination of whether or not an Investigation is warranted. If the Provost determines that supporting information is not

reasonably sufficient to substantiate the allegations, the matter will be closed. In such an event, all the material leading to the decision must be kept on file for at least three years.

C. Investigation. If the Provost determines that the allegations have sufficient substance, he or she will direct that a detailed Investigation be conducted according to Rice's current *Procedures for Conducting a Research Misconduct Investigation*.

The Investigation will begin within 30 calendar days of the Provost's determination. On or before the date on which the Investigation begins, the Inquiry report and the Provost's written determination will be sent to the federal Office of Research Integrity (ORI) in the case of PHS funding or the appropriate office if sponsorship from other sources is involved. Rice will use its best efforts to complete the Investigation within 120 calendar days of the date on which it began, including conducting the Investigation, preparing a draft report of findings, providing the draft report to the respondent(s) for comment, submitting the final report to the Provost for a final determination, and sending the final report to ORI or the appropriate sponsor office. If it becomes apparent that Rice cannot complete the Investigation within 120 calendar days, Rice will, in a timely manner, request an extension in writing from ORI or the appropriate sponsor office. These time periods apply to the Investigation and not to separate disciplinary hearings under other University processes.

The Provost will appoint an unbiased Panel consisting of members with the expertise to evaluate the potential research misconduct and who do not have an identifiable bias or conflict of interest regarding the matter. The Research Integrity Officer will, in most cases, provide staff support to the Investigation Panel. In doing its work, the Panel will:

- (1) Use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of the allegations;
- (2) Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the Investigation, including witnesses identified by the respondent;
- (3) Record or transcribe each interview, providing the recording or transcript to the interviewee for correction and including the recording or transcript in the record of Investigation;
- (4) Pursue diligently all significant issues and leads discovered that are determined relevant to the Investigation, including any evidence of additional instances of possible research misconduct, and continue the Investigation to completion; and
- (5) Otherwise comply with the requirements for conducting an Investigation found in applicable federal regulations (currently found at 42 CFR Section 93.310).

The Panel will prepare the draft and final institutional Investigation reports in writing and provide the draft report to the respondent(s) for comment. The final Investigation report will contain the following sections:

- (1) Allegations: Description of the nature of the allegations of research misconduct and the specific allegations of research misconduct considered in the Investigation

and the institutional charge shall be included in the report.

- (2) Research Support: Description of and documentation of any governmental or privately sponsored research support for the research in question, including, for example, the federal or state agency supporting the research, the grant numbers, grant applications, contracts and publications listing such support.
- (3) Policies and Procedures: Reference to and inclusion of the Rice policies and procedures under which the Investigation was conducted.
- (4) Research Records and Evidence: Identification and summary of the research records and evidence reviewed, as well as any evidence taken into custody by the Panel but not reviewed.
- (5) Statement of Findings: For each separate allegation of research misconduct identified during the Investigation, a finding whether research misconduct did or did not occur, and if such misconduct did occur: (i) whether the research misconduct was falsification, fabrication, plagiarism, a practice that seriously deviated from those commonly accepted practices within the relevant research community for proposing, conducting, reviewing, or reporting research, a failure to comply with the federal requirements for protecting researchers, human and animal subjects and the public, or other violation of Rice policy, and whether any such misconduct was intentional, knowing or reckless, (ii) a summary of the facts and the analysis of the facts that support the conclusion, including a consideration of any reasonable explanation by the respondent(s), (iii) the person or persons responsible for the misconduct, (iv) the seriousness of the misconduct, (v) the specific sponsored research support related to that allegation and finding, (vi) whether any publications need correction or retraction, and (vii) any current support or known applications or proposals for research support from governmental or private sources that the respondents have pending.
- (6) Comments: Inclusion and consideration of any comments made on the draft report by the respondents and complainants.
- (7) Recommendations: If there is a finding that research misconduct has occurred, the Panel may recommend appropriate sanctions based on its understanding of the case. Even if the Panel concludes that research misconduct did not occur, it is nonetheless free to make recommendations as a result of the Investigation or a finding that other violations of University policies or procedures may have occurred. These recommendations are not binding on the Provost, even if he or she agrees with the findings of the report; determination and implementation of actual sanctions is discussed below and in section III.D.

After the Panel provides its final report, the Provost, at his/her discretion, may (i) ask any or all of the Respondents for their final written comments; (ii) seek clarification on various matters from the Panel; and/or (iii) refer the matter back to the Panel for additional

investigation if he/she deems it necessary or appropriate. The Provost will then conclude the Investigation by formally receiving the report. At this point, the Provost will render his or her decision in a letter or memorandum that notes agreement or disagreement with the Panel's findings and recommendations and determines whether further administrative or disciplinary action on the part of the University is appropriate; the Provost's decision is final. He or she will send a copy of the decision to the Research Integrity Officer, the Respondent(s), and the Panel members; he/she may also communicate the relevant results to any complainants. If the Provost determines further administrative or disciplinary action is appropriate, he or she will send a copy of the final report and his/her decision to the President, the relevant dean(s) and/or Vice-President for Administration so that further action may be initiated.

With regard to the ORI or the appropriate sponsor, the Research Integrity Officer will (i) provide a copy of the Investigation report and attachments, (ii) inform ORI or the appropriate sponsor if the Investigation found research misconduct (and if so, who committed it), (iii) state whether the University agrees with the Investigation's findings, and (iv) describe any pending or completed administrative actions taken against Respondent(s). Rice will maintain, and, upon request, provide to ORI or the appropriate sponsor all relevant research records and records of Rice's research misconduct proceeding. The Provost will be provided copies of all reports and other communications submitted to ORI and the appropriate sponsor.

D. Disciplinary Action. At the conclusion of an Investigation in which it is determined that research misconduct occurred, the University will take the following disciplinary actions.

- (1) Findings Against a Faculty Member. If the research misconduct process concludes that research misconduct occurred, the Provost agrees with the findings of the Investigation report, and the respondent is a faculty member, the Provost may recommend to the President the initiation of proceedings under Rice Policy 201, Section 8. In the case of such a recommendation, the Provost will forward the recommendation and the entire Investigation report to the President. The President will determine whether to initiate proceedings under Policy 201 to consider dismissal or a sanction against the accused faculty member. The procedures to be followed will be those provided consistent with Policy 201. If, however, the President concludes that the alleged misconduct, if true, would justify only a minor sanction, the President may refer the matter to the faculty member's dean for appropriate action. Refer to Rice Policy 201, Section 8 for additional explanations.
- (2) Findings Against a Staff Member. If the research misconduct process concludes that the allegations have substance, the Provost agrees with the findings of the Investigation report, and the respondent is a staff member, the Research Integrity Officer will notify the Vice President for Administration. The Research Integrity Officer and the Vice President will cooperate in undertaking appropriate action.
- (3) Findings Against a Student. If the research misconduct process concludes that the allegations have substance, the Provost agrees with the findings of the

Investigation report, and the respondent is a student, the Research Integrity Officer will notify the Dean of Undergraduates, Dean of Graduate and Postdoctoral Studies or the Dean of the most relevant School, as appropriate. The Research Integrity Officer and the appropriate Dean will cooperate in undertaking appropriate action under the applicable procedures within the Dean's purview.

The Research Integrity Officer will also report the disciplinary actions taken as may be required by law.

IV. Additional Procedural Considerations

A. Ensuring a Fair Research Misconduct Proceeding

Rice will take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding to the maximum extent practicable. Those conducting the Inquiry or Investigation shall be selected on the basis of expertise that is pertinent to the matter. Prior to selection, the Provost will screen individuals for any identifiable bias and unresolved personal, professional, or financial conflicts of interest with the respondent, complainant, potential witnesses, or others involved in the matter. Any such bias or conflict that a reasonable person would consider to unfairly influence research misconduct proceeding will disqualify the individual from selection. If, pursuant to this paragraph, the Provost is unable to serve, the President shall designate an appointee who is free of bias or conflict of interest to fulfill the roles ordinarily assumed by the Provost in this process.

B. Confidentiality

Rice will strive to respect the confidentiality of respondents and complainants and will not disclose any of these identities, except: (1) to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; (2) where applicable, the federal ORI or the appropriate sponsor as it conducts its research misconduct proceeding; and (3) to those to whom disclosure is deemed necessary to remedy any findings of research misconduct or any other violations of law or University policy. Any information obtained during the research misconduct proceeding that might identify the subjects of research will be securely and confidentially maintained and will not be disclosed, except as noted above.

C. Interim Protective Actions

At any time during a research misconduct proceeding, Rice will take appropriate interim actions to protect public health, federal funds and equipment, and the integrity of the federally supported research process. The necessary actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, providing closer supervision of one or more researchers, requiring approvals for actions relating to the research that did not previously require approval, auditing pertinent records, or taking steps to contact other institutions that may be affected by an allegation of research misconduct.

D. Maintenance and Custody of Research Records and Evidence

Rice will take the following specific steps to obtain, secure, and maintain the research records and evidence pertinent to the research misconduct proceeding:

- (1) Either before or when Rice notifies the respondent of the allegations, Rice will promptly take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory those materials, and sequester them in a secure manner. In those cases where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, providing that those copies are substantially equivalent to the evidentiary value of the instruments.
- (2) Where appropriate, give the respondent copies of, or reasonable supervised access to, the research records.
- (3) Undertake all reasonable and practical efforts to take custody of additional research records and evidence discovered during the course of the research misconduct proceeding, including at the Inquiry and Investigation stages, or if new allegations arise, subject to the exception for scientific instruments in (1) above.
- (4) Rice will maintain all records of the research misconduct proceeding, as defined in 42 CFR Section 93.317(a), for 7 years after completion of the proceeding or of any ORI or PHS proceeding under Subparts D and E of 42 CFR Part 93, whichever is later, unless Rice has transferred custody of the records and evidence to HHS, or ORI has advised Rice that it no longer needs to retain the records.

E. Notices to Respondent

During the research misconduct proceedings, Rice will provide the following notifications to all identified respondents:

(1) Initiation of Inquiry. Rice will sequester all research records and other evidence needed to conduct the research misconduct proceeding; Rice will typically provide the respondent(s) written notification of the Inquiry before or at the time of sequestration of data. However, in some cases, the Research Integrity Officer may determine that data needs to be sequestered prior to the notification of the respondent(s) in order to ensure the integrity of data, in which case the respondent(s) will be notified as soon as the Research Integrity Officer has determined that the security of data is no longer at risk. If the Inquiry subsequently identifies additional respondents, they shall be promptly notified in writing.

(2) Comment on Draft Inquiry Report. Rice will provide the respondent(s) an opportunity to respond to allegations at the Inquiry stage and to provide timely comments on the draft Inquiry report so that any comments can be attached to the report.

(3) Results of the Inquiry. Rice will notify the respondent(s) of the results of the Inquiry and include copies of the Inquiry report and institutional policies and procedures for the handling of research misconduct allegations.

(4) Initiation of Investigation. Within a reasonable time after Rice's written determination that an Investigation is warranted, but not later than 30 calendar days after that determination, Rice shall notify the respondent(s) in writing of the allegations to be investigated. Rice shall give respondent(s) written notice of any new allegations within a reasonable time after deciding to pursue allegations not addressed in the inquiry or in the initial notice of the Investigation. The initial notice of the Investigation will identify the proposed members of the Investigation Panel. The respondent has the right to request certain Panel members be replaced as outlined in the *Procedures for Conducting a Research Misconduct Investigation*.

(5) Scheduling of Interview. Rice will notify the respondent sufficiently in advance of the scheduling of his/her interview in the Investigation so that the respondent may prepare for the interview and arrange for the attendance of legal counsel, if the respondent wishes.

(6) Comment on Draft Investigation Report. Rice will give the respondent(s) a copy of the draft Investigation report, and concurrently, a copy of, or supervised access to, the evidence on which the report is based. The Panel will provide the respondent no more than 30 calendar days from the date on which he/she received the draft report to provide comments. Rice will ensure that these comments are included and considered in the final Investigation report.

(7) Results of the Investigation. Rice will provide a copy of the final Investigation report and notify the respondent(s) of the Provost's decision regarding the report.

F. Restoring Reputations

(1) Respondents. Rice will undertake all reasonable, practical, and appropriate efforts to protect and restore the reputation of any person alleged to have engaged in research misconduct, but against whom no finding of research misconduct was made, if the person requests that Rice do so.

(2) Complainants, Witnesses, and Committee Members. Rice will undertake all reasonable and practical efforts to protect and restore the position and reputation of any complainant, witness, or committee member and to counter potential or actual retaliation against those persons as a result of participating in a research misconduct proceeding.

V. Interplay of University Process with Federal ORI or Appropriate Sponsor Office

A. Notifying of the Decision to Open an Investigation and of Institutional Findings and Actions Following an Investigation

On or before the date on which the Investigation begins, the Research Integrity Officer will provide ORI or the appropriate sponsor (if applicable) with a copy of the Inquiry report and the written determination based on the report. Additionally, upon a request from ORI or the appropriate sponsor, Rice will provide:

- (1) A copy of Rice's institutional policies and procedures under which the Inquiry was conducted;
- (2) The research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and
- (3) The charges that the Investigation Panel will consider.

Upon completion of the Investigation, Rice will promptly provide to ORI or the appropriate sponsor:

- (1) A copy of the Investigation report including all attachments and any appeals;
- (2) A statement of whether the institution found research misconduct and, if so, who committed it;
- (3) A statement from the Provost of whether or not Rice accepts the findings in the Investigation report; and
- (4) A description of any pending or completed administrative actions against the respondent.

B. Notifying of Special Circumstances

At any time during a research misconduct proceeding, Rice will immediately notify ORI or the appropriate sponsor if Rice has reason to believe that any of the following conditions exist:

- (1) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- (2) HHS or sponsor resources or interests are threatened;
- (3) Research activities should be suspended;
- (4) There is a reasonable indication of violations of civil or criminal law;
- (5) Federal action is required to protect the interests of those involved in the research misconduct proceeding;
- (6) Rice believes the research misconduct proceeding may be made public prematurely so that HHS or the sponsoring office may take appropriate steps to safeguard evidence and protect the rights of those involved; and/or
- (7) Rice believes the research community or public should be informed.

Rice will also notify ORI of any facts that may be relevant to protect public health, federal funds and equipment, or the integrity of the federally supported research process.

C. Cooperation with ORI

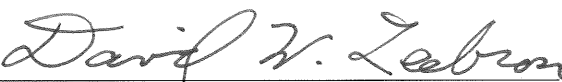
Rice will cooperate with and assist ORI or the appropriate sponsor, as needed, to carry out any administrative actions that the sponsoring agency may impose as a result of a final finding of research misconduct.

Rice will cooperate fully and on a continuing basis with ORI or the appropriate sponsor during its oversight reviews of Rice and its research misconduct proceedings and during the process under which the respondent may contest ORI findings of research misconduct and proposed government administrative actions. This includes providing, as necessary to develop a complete record of relevant evidence, access to all witnesses within Rice's authority, research records, and other evidence under Rice's control or custody, or in the possession of, or accessible to, all persons that are subject to Rice's authority.

Rice will report to ORI or the appropriate sponsor any proposed settlements, admissions of research misconduct, or institutional findings of misconduct that arise at any stage of a misconduct proceeding, including the Allegations and Inquiry stages.

VI. Distribution

All faculty, students, and staff involved in research activities will be notified of this policy.


David W. Leebron, President

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