

# POLICY AND PROCEDURES ON ETHICS IN RESEARCH

## The University of North Carolina at Chapel Hill

August 15, 1994

### Policy

Public trust in the integrity and ethical behavior of scholars must be maintained if research is to continue to play its proper role in our University and society. It is the policy of The University of North Carolina at Chapel Hill that research carried out by its faculty and staff be characterized by the highest standards of integrity and ethical behavior. It is further the policy of the University to inform fully all affected parties where misconduct in research sponsored by, or under the administrative supervision of, the University has occurred.

Each member of the University community has a personal responsibility for implementing this Policy in relation to any scholarly work with which he or she is associated and for helping his or her associates in continuing efforts to avoid any activity which might be considered in violation of this Policy. Failure to comply with this Policy shall be dealt with according to the procedures specified herein and is considered to be a violation of the trust placed in each member of the faculty and staff.

Any use of this Policy or these Procedures to bring malicious charges or charges not otherwise in good faith against any individual and any act of retaliation or reprisal against an individual for reporting in good faith a charge of misconduct in research shall be violations of this Policy. Such violations shall be dealt with through regular administrative processes for violations of University policies.

### Procedures

1. "Misconduct in research" means (1) fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research; or (2) material failure to comply with federal requirements for protection of researchers, human subjects, or the public or for insuring the welfare of laboratory animals; or (3) failure to meet other material legal requirements governing research.

"Misconduct in Research" does not include honest error or honest differences in interpretations or judgments of data.

2. Anyone having reason to believe that a member of the faculty or staff has engaged in misconduct in research should consult informally and in

confidence with his or her own department chair or equivalent unit head<sup>1</sup> regarding the situation. If the results of such discussions confirm the seriousness of the report, then the matter should be reported, in writing, by that department chair to the Dean. This procedure shall also be followed in the event that an investigatory committee appointed in accordance with Section 4, below, obtains information that any individual, other than the one(s) under investigation, has allegedly engaged in misconduct in research.

Upon receipt of written allegations, the Dean shall immediately notify the accused employee of the alleged violation of the Policy.

3. As soon as possible after receipt of the report, the Dean and the Provost, in consultation with the department chair of the department in which the accused employee is primarily employed, shall conduct an inquiry, consisting of information-gathering and initial fact-finding to determine whether the charge warrants an investigation. The Dean shall also take appropriate action to preserve and protect the data and other records of the individual's research and any funding involved in the research. Any ambiguity regarding which administrative official should conduct the inquiry shall be resolved by the Provost. The inquiry should normally be concluded within 30 days, and no more than 60 days of its initiation. Exceptions to this 60-day limit require the approval of the Chancellor.

A written report of the inquiry shall be prepared by the Dean and the Provost that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions and recommendations of the inquiry. A copy of the report shall then be given to the accused employee. If the accused employee comments on the report, those comments shall be made a part of the record. If the judgment is made by the Dean and Provost that the charge does not warrant an investigation, any reference to the charge in the personnel file of any individual shall be removed promptly. All materials relating to the charge and the determination shall be sent to the Chancellor, who shall be responsible for their security. Such records shall be maintained for at least three years.

4. If it is determined that the charge warrants further investigation, the Dean in consultation with the Provost and with the appropriate department chair, shall within 30 days of the conclusion of the inquiry (a) appoint an ad hoc committee composed as provided herein and refer the matter to it, (b) take appropriate action to preserve and protect the data and other records of the individual's research and any funding involved in the research, and (c)

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<sup>1</sup>"Chair" is used in the Policy as a generic term for department chair or equivalent unit head who receives a report of misconduct in research. Where there is an allegation of misconduct in research against a Dean, the report shall be made to the Provost.

notify the accused individual of the initiation of the investigation and of his or her opportunity to appear on his or her behalf before that committee, and (d) take appropriate steps to notify research sponsors of the initiation of an investigation in accordance with applicable law and regulations, including, if applicable, notification of the Office of Research Integrity of HHS or the National Science Foundation, as applicable. The Dean may also suspend the individual accused from further participation in the project in question, but only if the Dean determines that serious harm to the individual or others would be threatened by the individual's continuance of his or her duties. Any such suspension shall not interrupt payment of salary.

5. The ad hoc committee shall consist of at least five senior University faculty members who, in the judgment of the Dean, are without conflict of interest, and have appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. Differences of professional opinion held in good faith and without prospect of personal financial gains shall not be construed as conflicts of interest. External scholars or persons with expertise in other areas may be included in this number where warranted by the nature of the field or the allegations.
6. The committee chair shall establish a schedule for the conduct of the investigation according to which the investigation will take place. It is the responsibility of the involved parties to comply with that schedule. The committee shall conduct a prompt and thorough investigation in order to ascertain the facts of the case and to determine whether the individual has violated this Policy, and if so, to what extent. Early in the course of the investigation the committee shall discuss the matter in confidence with the individual accused and with all persons with whom he or she has collaborated in relation to the work under review. Throughout the investigation the committee shall protect to the maximum extent possible the privacy of all those involved, including specifically the accused and those who, in good faith, reported the alleged misconduct.
7. The hearings shall be closed to the public unless the accused faculty or staff member and the committee chair agree that they may be open. The individual accused shall have the opportunity to be present, the right to counsel, the opportunity to present the testimony of witnesses and other evidence, the opportunity to confront and cross-examine witnesses, and the opportunity to examine all documents and other evidence. It is the responsibility of all parties to make themselves available according to the schedule established by the chair for the exercise of the opportunities provided above. If a party chooses not to make himself or herself available, the committee may proceed in his or her absence. The scope of the investigation shall be determined by the committee chair in his or her discretion according to the charge and the facts. The committee shall

consider only such evidence as is presented at the hearing. The committee shall use its judgment in deciding what evidence presented is fair and reliable, and in doing so it is not bound by the rules of evidence. A written transcript shall be kept of all proceedings in which evidence is presented. Upon request, a copy thereof shall be furnished to the accused at the University's expense. Except as herein provided, the conduct of the hearing is under the charge of the chair of the hearing.

8. A preliminary report will be provided the accused who will be given an opportunity to respond orally, or in writing, before final recommendations are made. To the extent they can be identified, the person(s) who made the allegations should be provided with those portions of the report that address their role and opinions in the investigation.
9. If the majority of the committee finds that the individual has violated this Policy, it shall recommend, in writing, an appropriate course of action to the Dean. Its recommendations may include appropriate sanctions. Its recommendations shall include adequate steps to insure that the institution meets its obligations, if any, to third parties affected by the violation, including coinvestigators and coauthors, funding agencies and other research sponsors, professional journals, and relevant clients.
10. The Dean shall consider the committee's recommendations, and in consultation with the Provost, produce a written decision as promptly as possible addressed to the accused which shall accept or reject all or any part of the committee report, conclusions, and recommendations as in his or her judgment is warranted by the evidence. The Dean shall report to the Chancellor the full account of the hearings and the basis for his or her own decision.
11. In the event the Dean finds the Policy to have been violated, the Dean shall take all appropriate steps to insure that the institution meets its obligations to all parties affected by the violation. In the case of a Policy violation, the Dean's report shall include an assurance to the Chancellor of the steps the Dean has taken to notify all affected parties. To the extent any disciplinary action taken includes a recommendation to the Chancellor from the Dean for suspension from employment, diminishment in rank, or for dismissal, that portion of the Dean's decision shall proceed in accordance with the established University policies and procedures on such matters for faculty, EPA non-faculty, or staff, as appropriate.
12. The investigation should normally be concluded, and the Dean's decision reached, within 120 days of its initiation. Exceptions require the approval of the Chancellor.

13. The Dean shall be responsible for compliance with any reporting requirements imposed by the research sponsor, including any such requirements concerning reporting to the Office of Research Integrity of HHS, or the National Science Foundation, where applicable. The Dean shall also be responsible for requirements relating to health hazards, protection of federal funding or equipment, protection of human or animal subjects, possible criminal violations, protection of the interests of the accused or accuser, or the probability of public reports of the allegations; and requirements relating to anticipated delays in the investigation process; and requirements relating to notification of the funding agency of the outcome of the investigation.
14. The Dean and the Provost, where appropriate, shall undertake diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct in research when allegations are not confirmed and also undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, made the allegations.
15. This revised statement of Policy and Procedures on Violation of Ethics in Research shall be effective August 15, 1994.

Revised 3/15/01