

Issued: November 18, 2016

Responsible Official: Executive Vice President for Research and  
Innovation

## POLICIES

Responsible Office: ~~Office of Sponsored Programs~~ Executive Vice  
President for Research and Innovation

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### Policy Statement

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#### Policy Statement

Consistent with federal regulations, The University of Memphis is the primary agent for the prevention, detection and investigation of research misconduct by faculty, staff, and students. The University strives to ensure the integrity of research, protection of the rights of faculty, staff, and students involved in research, the rights of research subjects, and the protection and rights of the public. The University also observes the local requirements related to federal research funding and other external funding sources.

All employees who are engaged in any kind of research, whether funded by The University, an external agency, or unfunded, must familiarize themselves with the principles outlined in this document.

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### Purpose

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To ensure that research at The University of Memphis is conducted with the highest ethical standards.

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### Definitions

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Many actions and situations may constitute actual or presumed violations of professional ethics by University staff members in the performance of research. Actual violations of professional ethics are classified in two categories: conflict of interest and research fraud.

## Conflict of Interest

Conflict of interest may exist in many forms that raise questions about the integrity of University personnel. Maintenance of the highest ethical standards and avoidance of any appearance of conflict of interest must be practiced by all staff members as they discharge the trust placed in them as public employees. Broadly representative forms of conflict of interest are described below.

1. Employees of The University must avoid circumstances which improperly favor their own outside financial interests over those of the ~~university~~University.  
Examples of specific areas of concern are the following:
  - selection or orientation of University research to serve the needs of a private enterprise in which the staff member holds an undisclosed significant interest;
  - making major purchases for University research activity from a private enterprise in which the staff member holds an undisclosed significant interest;
  - selective transmission of University research products, results, materials, records, or information to a private enterprise or other user in order to obtain personal benefits;
  - use of privileged information obtained in confidence for personal gain or unauthorized purposes;
  - use of influence in negotiating contracts involving sponsored activity between the university and private organizations with which the staff member has undisclosed or other relationships;
  - acceptance of gratuities or special favors from private organizations with which the university may do business in connection with sponsored activity;
  - extending gifts and money or special favors to employees of funding agencies that might be viewed as an attempt to influence funding decisions.
2. In any sponsored activity, an equitable relationship must exist between the contracted effort or responsibility and the actual extent of involvement in the activity.
3. University professional staff members must avoid potential conflicts of interest when consulting with external funding sources or their contractors.

4. The time and effort devoted to professional extramural activities must be limited to the extent that they do not detract from the performance of ~~university~~University responsibilities.
5. Professional staff members must avoid the use of the university's name, facilities, materials, or any other resources for private purposes or personal gain. However, it is appropriate to acknowledge one's ~~university~~University affiliation on academic publications, or in the course of presentations at academic meetings.
6. University professional staff members must not enter into agreements that restrict without justifiable reasons the free pursuit of knowledge, trust and openness in relationships with colleagues and students, and the right to disseminate freely the results of their research.

## Research Fraud

Fraud in scholarly activity may be varied in form and ease of detection. In any form, such fraud is unacceptable to The University community. The integrity of research and the ethical standards under which scholarly activity is conducted must unequivocally be at the highest possible level. Among the types of research fraud are:

1. Falsification of data.
2. Plagiarism.
3. Abuse of confidentiality in peer review of funding proposals, research papers, and professional publications.
4. Failure to protect rights of human or animal research subjects.
5. Failure to appropriately credit contributions to the research project.

## Misconduct in Science

Federal policies, ~~statues~~statutes, and regulations define "misconduct in science" as the 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. It does not include honest error or honest differences in interpretations or judgments of data.

## Inquiry

Information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

## Investigation

The formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

## Office of Research Integrity

The Office of Research Integrity (ORI) was established as an independent entity in the U.S. Department of Health and Human Services. ORI oversees and directs Public Health Service (PHS) research integrity activities on behalf of the Secretary of Health and Human Services with the exception of the regulatory research integrity activities of the Food and Drug Administration (FDA).

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## Procedures

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## Conduct of Inquiry

All employees of the University who engage in research activities are responsible for the maintenance of high ethical standards in their work. Any violation of professional ethics that is detected should be reported to the Executive Vice President for Research ~~(VPR and Innovation (EVPRI))~~ for ~~investigation~~review in order to ensure the integrity of the ~~university~~University community.

When an allegation is presented to the ~~VPR~~, ~~a faculty panel will be appointed by the VPR as soon as possible.~~

~~The~~ EVPRI, within 30 days, there will be a prereview with the Research Compliance Administrator, any other expert or the respondent as deemed necessary to ensure appropriate classification of potential research misconduct. Following prereview, if the research misconduct classification is appropriate, a University of Memphis faculty Inquiry Panel will be appointed by the EVPRI as soon as possible (usually 30-60 days).

To protect the complainant, the EVPRI will use their discretion as to whether to notify the respondent of an allegation prior to the Inquiry Panel review.

The Inquiry panel will engage in the following activities:

1. Conduct an inquiry immediately into each allegation. An inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews,

and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of inquiry. If they comment on that report, their comments may be made part of the record. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period.

2. Protect, to the maximum extent possible, the confidentiality of ~~the~~ the complainant who has in good faith ~~report~~ reported apparent misconduct.
3. Afford the ~~affected individual(s)~~ respondent confidential treatment to the maximum extent possible, a prompt and thorough investigation, and an opportunity to comment on allegations and findings of the inquiry and/or the investigation.
4. In the case of an allegation concerning activity on an externally funded project, the university will follow the regulations of the relevant funding agency.
5. Maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons that an investigation was not warranted, if necessary. Such records shall be maintained in a secure manner for a period of at least four years after the termination of the inquiry.

Based on the recommendation of the faculty Inquiry panel, the VPREVPRI will determine whether a formal investigation should take place.

### **Conduct of Investigation and Adjudication**

An investigation will be undertaken within 60 days of the completion of the inquiry (to be completed within 120 days of the initiation of the investigation), if findings from the ~~inquiry~~ Inquiry Panel provide sufficient basis for conducting an investigation. A different ~~faculty panel~~ University of Memphis-Faculty Investigation Committee shall be appointed by the VPREVPRI to conduct the investigation. The investigation ~~normally~~ will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda or telephone calls. Whenever possible, interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key

aspects of the allegations; ~~complete~~ summaries of these interviews ~~should~~will be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. The panel will engage in the following activities:

1. Secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence in the investigation;
2. Take precautions against real or apparent conflicts of interest on the part of those involved in the investigation;
3. Prepare and maintain the documentation to substantiate ~~the investigation's~~ findings. This documentation is to be made available to the funding agency if appropriate;
4. Take interim administrative actions, as appropriate, to protect external funds and ensure that the purposes of the agency's financial assistance are carried out;
5. In case of an allegation concerning activity on a PHS funded project, keep the ORI apprised of any developments during the course of the investigation which disclose facts that may affect current or potential PHS funding for the individual(s) under investigation, or that the PHS needs to know to ensure appropriate use of federal funds and otherwise protect the public interest;
6. Upon completion of the investigation, the chair of the investigative committee will submit a written report to the VPR. The report will summarize all relevant information. The individual(s) against whom the allegation was made shall be given a copy of the report of investigation. The subjects will have 14 calendar days to submit comments to the VPR. If they comment on the report, their comments may be made part of the record. If the investigation takes longer than 120 days to complete, the record of the investigation shall include documentation of the reasons for exceeding the 120-day period. In a separate communication to the VPR, the faculty panel shall offer its recommendations for sanctions if deemed appropriate;
7. Based on this information, the VPR will determine whether to recommend to the President the imposition of disciplinary action. The President may uphold or reject this recommendation and may collect any additional information necessary to make this decision. In the case of a student, the recommendation of the VPR and any decision by the provost are forwarded to the Office of Student Affairs. The [Code of Students Rights and](#)

[Responsibilities](#) outlines these procedures. The processing of any sanctions for faculty, staff, or students will proceed in accordance with existing university policy and procedures;

8. The ~~VPRE~~[VPRI](#) will undertake reasonable efforts, as appropriate, to restore the reputations of ~~persons alleged to have engaged in misconduct the respondent~~ when allegations are not confirmed, and also undertake reasonable efforts to protect the ~~positions~~[position](#) and ~~reputations~~[reputation](#) of ~~those persons who, in good faith, make allegationsthe complainant~~.

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### Links

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#### Procedures Concerning Allegations of Misconduct in Research

#### Link to be added

The University of  
Memphis Faculty  
Handbook

<http://www.memphis.edu/aa/resources/facres/facultyhandbook/index.php>

Code of Students Rights and  
Responsibilities

<http://www.memphis.edu/studentconduct/pdfs/csrr.pdf>

Disclosure of Financial  
Interests Related to  
Sponsored Research

<https://memphis.policytech.com/dotNet/documents/?docid=370>

Conflict of Interest Policy

<https://memphis.policytech.com/dotNet/documents/?docid=382>

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### Revision Dates

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UM1451 -- revised November 18, 2016

UM1451 -- issued August 2, 2006 - supersedes policy number  
2B:01:12A

RE7001 supersedes policy UM1451

RE7001 revised

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**Subject Areas:**

| Academic                            | Finance                  | General                  | Human<br>Resources                  | Information<br>Technology | Research                            | Student<br>Affairs                  |
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