



UNIVERSITY OF CENTRAL FLORIDA

Office of the President

SUBJECT: Research Misconduct Policy	Effective Date: //2021	Policy Number: 4-211.2	
	Supersedes: 4- 211.1	Page 1	Of 4
	Responsible Authority: Vice President for Research and Dean of the College of Graduate Studies		

APPLICABILITY/ACCOUNTABILITY

This policy applies to all members or affiliates of the university community engaged in both sponsored and non-sponsored Research.

BACKGROUND

The University of Central Florida is committed to conducting Research with professional integrity and the highest ethical standards. The existence of trust within the scientific community and from the public is paramount to the successful advancement of knowledge and the growth of the university's Research program. In addition to the university's expectation that Research be conducted with the highest ethical standards and professional integrity, federal laws, state statutes and university regulations and practices as well as other governmental requirements, regulate Research Misconduct and Unacceptable Research Practices and establish related ethical and integrity standards. This policy establishes a process to comply with these regulations and statutes and to properly review allegations of Research Misconduct and Unacceptable Research Practices at the university. This policy does not govern student Academic Misconduct, as defined in UCF Regulation 5.008, even if performed in the context of research, if the activity pursued is regarding obtaining a degree whether for coursework or academic milestones.

Federal regulations require institutions of higher education to bear primary responsibility for prevention and detection of Research Misconduct and for the Inquiry, Investigation, and adjudication of alleged Research Misconduct. The university has the responsibility to

establish Research Misconduct policies and procedures to provide appropriate safeguards for complainants and respondents, conduct Inquiries, and Investigations in accordance with federal regulations, protect the interests of the university and sponsored agencies, and effectively communicate to faculty members, staff members, students, and affiliates the responsible conduct of Research.

POLICY STATEMENT

University faculty, staff, students, and affiliates will not engage in Fabrication, Falsification, Plagiarism, or other Unacceptable Research Practices in proposing, performing, or reviewing Research, or in reporting Research results. The university and its faculty, staff, students, and affiliates engaged in Research activity will fully comply with federal agency regulations, state ethical statutes, and university policies and procedures in conducting Research, and will report allegations of Research Misconduct or Unacceptable Research Practices to the Research Integrity Officer for review. University faculty, staff, and students responsible for the design, conduct, or reporting of the Research must meet federal and university Research Misconduct and Unacceptable Research Practices training requirements. The university will foster Research integrity by providing Research Misconduct and Unacceptable Research Practices training to faculty, staff, and students engaged in Research activity, and informing them of the university's policies and procedures regarding responsible conduct in Research.

DEFINITIONS

Fabrication. Making up data or results and recording or reporting them.

Falsification. 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.

Inquiry. Preliminary information-gathering and fact-finding to determine whether an allegation warrants an Investigation.

Investigation. The formal development of a factual record and the examination of the 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.

Plagiarism. The appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Research. A systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) in all fields by establishing, discovering, developing, elucidating, or

confirming engineering, science, medicine, education, mathematics, humanities, and research involving human subjects or animals.

Research Integrity Officer. The institutional official responsible for 1) assessing allegations of Research Misconduct or Unacceptable Research Practices; 2) overseeing the assessment, Inquiry, and Investigation process, if applicable; 3) ensuring confidentiality for respondent and complainant; and 4) maintenance and custody of Research records and evidence. The director of the Office of Compliance within the Office of Research serves as the Research Integrity Officer.

Research Misconduct. Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results. Research Misconduct does not include honest error or differences of opinion. A finding of Research Misconduct requires that there be a significant departure from accepted practices of the relevant Research community; that the misconduct be committed intentionally, knowingly, or recklessly; and that the allegation be proven by a preponderance of evidence. Research Misconduct does not include student Academic Misconduct (as defined in UCF Regulation 5.008) even if performed in the context of research if the activity pursued is regarding obtaining a degree whether for coursework or academic milestones.

Unacceptable Research Practices. Practices that do not constitute Research Misconduct, but do involve Research and violate university ethics, regulations or policies, applicable laws, regulations or other governmental requirements, including but not limited to, breaches of confidentiality, conflicts of interest, export control violations, retaliation, intellectual property violations, authorship or attribution violations, and violations of human or animal subjects research. Unacceptable Research Practices do not include student Academic Misconduct (as defined in UCF Regulation 5.008) even if performed in the context of research if the activity pursued is regarding obtaining a degree whether for coursework or academic milestones.

PROCEDURE – RESEARCH MISCONDUCT

This policy sets forth the general procedures for handling allegations of Research Misconduct but should not be viewed as limiting the steps the university make take to resolve an allegation of Research Misconduct. Allegations of Research Misconduct will be brought to the Office of Research Compliance in the Office of Research, and will be processed in accordance with the Research Misconduct Assurance of Compliance (“Assurance”) guidelines. The Research Integrity Officer will record the allegation and notify the vice president for research and dean of the College of Graduate Studies (“VPR”) or representative, and the Office of Student Conduct when students are involved. The Research Integrity Officer will review the allegation documents and make an assessment under Section 8 of the Assurance, and (if sufficiently credible) will notify the VPR . If the VPR agrees that an Inquiry is warranted, the Research Integrity Officer will appoint a Research Misconduct Inquiry committee.

If the Research Misconduct Inquiry committee warrants a formal investigation, and the VPR agrees, the Research Integrity Officer will appoint a Research Misconduct Investigation committee.

The Research Misconduct Inquiry and Investigation committees will summarize their findings and recommendations in a report and submit to the VPR for approval. Based on the Research Misconduct Investigation report findings and recommendations, the VPR, in concert with the Office of Academic Affairs, and other appropriate offices, will take appropriate action as warranted in accordance with the Assurance, other university policy, federal regulations, and state statutes.

PROCEDURE – UNACCEPTABLE RESEARCH PRACTICES

Allegations of Unacceptable Research Practices should be reported to the Research Integrity Officer in the Office of Research. The Research Integrity Officer will record the Allegation and notify the VPR. The Research Integrity Officer will perform an initial review of the evidence to determine whether the Allegation falls within the definition of Unacceptable Research Practices and whether there is credible evidence that Unacceptable Research Practices occurred.

The Research Integrity Officer will report his/her findings to the VPR on whether credible evidence exists of Unacceptable Research Practices. If the VPR agrees that credible evidence exists, the Research Integrity Officer will coordinate with the VPR on determining the best procedure for reviewing and investigating the Unacceptable Research Practices. Such procedure(s) may include, but not be limited to, the Research Integrity Officer reviewing all available evidence and making a recommendation to the VPR, consulting with subject matter experts, interviewing witnesses, and establishing an Investigation committee. The Research Integrity Officer will consider any available evidence provided by the respondent and complainant. The Research Integrity Officer may also refer the matter to other appropriate investigative bodies, including the Institutional Review Board for matters related to human subject research, the IACUC Board for matters related to animal subject research, or other applicable university offices. The Research Integrity Officer will report his/her determination on whether Unacceptable Research Practices occurred to the VPR. The VPR will then make a final determination as to whether he/she agrees with the Research Integrity Officer's findings and what administrative actions need to be implemented.

If the Research Integrity Officer finds that Unacceptable Research Practices did not occur but that other misconduct may have occurred, such as student Academic Misconduct, the Research Integrity Officer will report such possible misconduct to the Office of Student Rights and Responsibilities (SDES) and/or other applicable university authorities. Unless the student Academic Misconduct is determined to be solely in pursuit of a degree whether for coursework or academic milestones, referral to SDES does not remove the allegation from the purview of this policy.

RELATED INFORMATION

- 1) U.S. Department of Health and Human Services Office of Research Integrity (ORI) Policies and Procedures <https://ori.hhs.gov/index.php/handling-misconduct>
- 2) State of Florida Code of Ethics for Public Officers and Employees
Florida Statutes, Title X, Chapter 112.313 – 112.326
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0112/0112.html

RELATED DOCUMENTS

1. National Science Foundation (NSF) Regulations on Research Misconduct at 45 CFR Part 689 <https://www.nsf.gov/oig/pdf/cfr/45-CFR-689.pdf>

2. U.S. Department of Health & Human Services, Public Health Service Policies on research Misconduct at 42 CFR Parts 50 & 93
http://ori.hhs.gov/sites/default/files/42_cfr_parts_50_and_93_2005.pdf
3. UCF United Faculty of Florida Collective Bargaining Agreement
<http://www.collectivebargaining.ucf.edu/completcba.asp>
4. UCF Academic Affairs Student Conduct Policy
<http://goldenrule.sdes.ucf.edu/docs/goldenrule.pdf>
5. University of Central Florida Research Misconduct Assurance
<http://www.rcr.ucf.edu/policies.html>
6. Whistle-blower Determination and Investigation Policy
<https://policies.ucf.edu/documents/2-010Whistleblower.pdf>
7. Fraud Prevention and Detection Policy
<https://policies.ucf.edu/documents/2-800.1FraudPrefentionAndDetection.pdf>

CONTACTS

Director, Office of Compliance, Office of Research, (407) 823-3778.

RELATED UCF WEB SITES

<http://www.research.ucf.edu/compliance.html>

INITIATING AUTHORITY: Vice President for Research and Dean of the College of Graduate Studies

POLICY APPROVAL	
(For use by the Office of the President)	
Policy Number: 4-211.1	
Initiating Authority: _____	Date: <u>9/20/18</u>
University Policies and Procedures Committee Chair: _____	Date: <u>9/28/18</u>
President or Designee: _____	Date: <u>10.1.18</u>