



January 5, 1999

1401 Rockville Pike
Suite 600
Rockville, Maryland
20852

tel (301) 424-0800

fax (301) 424-5771

www.hjf.org

*Serving Military
Medicine Since 1983*

POLICY

SCIENTIFIC MISCONDUCT

A. Scope

The Henry M. Jackson Foundation for the Advancement of Military Medicine (the 'Foundation') is committed to the highest level of scientific integrity in the research conducted by its employees. This policy applies to all scientific proposals submitted, all research conducted and publications written by scientific employees of the Foundation. The integrity of scientific research conducted or published by faculty of the Uniformed Services University of the Health Sciences (USUHS) is governed by USUHS Standards of Conduct.

B. Definitions

Inquiry means the information gathering and initial factfinding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

Institution means the public or private entity or organization (including federal, state, and other agencies) that is applying for financial assistance from the Public Health Service and other federal agencies, including continuation awards, whether competing or noncompeting. The organization assumes legal and financial accountability for the awarded funds and for the performance of the supported activities.

Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

Scientific Misconduct means 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.

C. Policy

The Foundation is responsible for the quality and integrity of research conducted at and reported from all Foundation departments or operating facilities.

Allegations of misconduct involving research or scientific publications should be referred immediately to the President. This policy frequently refers to the Office of Research Integrity (ORI), the federal office responsible for protecting the integrity of Public Health Service (PHS) programs. The Foundation will involve ORI only if allegations of misconduct arise in connection with a PHS grant, or if the researcher works on a PHS grant. The President may notify ORI and the sponsor or agency which funded the research at any time if he/she determines that is necessary based on the seriousness of the alleged misconduct, and the Foundation's responsibility to the scientific community and the public at large.

The President will notify ORI and the sponsor at any time during the inquiry or investigation if:

1. there is an immediate health hazard involved ;
2. there is an immediate need to protect Federal funds or equipment;
3. there is a need to protect the interests of the funding sponsor or agency;
4. there is an immediate need to protect the interests of the person(s) making the allegations or the interests of the individual(s) who is the subject of the allegations, as well as his/her coinvestigators or associates;
5. it is probable that the alleged incident will be reported publicly; or
6. there is a reasonable indication of a possible criminal violation; in this instance, ORI will be informed within 24 hours of obtaining this information

The Foundation will comply with all state and federal "Whistleblower" laws and laws that govern the protection of persons who make good faith allegations of scientific misconduct.

D. Informal Inquiry

The President will immediately appoint an informal Inquiry Committee to conduct an inquiry into allegations of misconduct. The privacy of those individuals reporting apparent misconduct will be protected to

the maximum extent possible. Since it is often necessary for those looking at allegations to understand the science included, the Inquiry Committee will be composed of senior Foundation scientists, and/or outside scientists who possess the necessary expertise and objectivity to serve on such a committee. Appropriate precautions will be taken to ensure there are no real or apparent conflicts of interest on the part of those involved in the inquiry. The committee will be responsible for making a preliminary inquiry of the alleged scientific misconduct. The committee will consult with the Foundation General Counsel regarding the procedural requirements for conducting the inquiry and preparing the necessary reports. The committee members need to be apprised of the relevant regulations, definitions, such as preponderance of evidence, and processes of conducting the inquiry and how to weigh evidence. A presumption of innocence prevails until a final determination of scientific misconduct has been made. A presumption of innocence entitles the respondent to the procedural protections set forth in this policy.

A written report of the results of the inquiry will be prepared by the Inquiry Committee, including a preliminary recommendation that no further investigation is necessary because the claims of misconduct appear to be unfounded or that a formal investigation should be conducted. The report also shall indicate what evidence was reviewed, summarize relevant interviews, and discuss the committee's conclusions. The individual(s) against whom the allegation of misconduct was made shall be afforded confidential treatment to the maximum extent possible, shall receive a prompt and thorough inquiry, and shall receive a copy of the inquiry report. The individual(s) will be given an opportunity to comment on the allegations and the findings of the inquiry report. Their comments will be incorporated into the report for the record.

The report of the inquiry is to be submitted by the Inquiry Committee to the President within 30 calendar days from the initiation of the inquiry. If it is not possible for the inquiry to be completed within this time period, the committee must notify the President of the reasons for the delay and propose a new estimated date of completion for the inquiry. This notification should be given to the President at least five working days before the report is due.

The President will take appropriate interim administrative actions to protect Federal funds and ensure that the purposes of the Federal financial assistance are being carried out. If the Foundation plans to terminate the inquiry for any reason, without completing all relevant regulatory requirements, a report of the planned termination, including

the reasons for such termination, will be made to ORI, which will decide whether a further investigation should be undertaken.

The Foundation shall maintain detailed documentation of all inquiries of alleged misconduct to permit a later review of the decisions of the Inquiry Committee. These records shall be securely maintained for at least three years from the date the inquiry is terminated. Upon request, records and reports of the inquiry may be made available to ORI, or the agency which sponsored the research.

After the report of the Inquiry Committee has been reviewed, the President will either close the inquiry or recommend that a formal investigation be conducted. If the President decides to close the inquiry, he/she will document the reasons for this decision and the findings from the Committee report, which support his/her decision. In those cases where allegations of misconduct are not confirmed, the Foundation will undertake diligent efforts to restore the reputation of persons alleged to have engaged in misconduct. The Foundation will also undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, made allegations.

E. Formal Investigation

1. If a formal investigation is warranted, the President will:
 - a. Notify ORI and the sponsor or agency which funded the research on or before the date of the investigation that an investigation is about to be conducted, and initiate the investigation within 30 days of the completion of the inquiry;
 - b. Depending on the nature and seriousness of the allegations, notify the Foundation General Counsel and the Council of Directors of the Foundation;
 - c. Appoint an Investigative Committee from among the senior Foundation scientists or outside scientific experts, taking care to avoid any real or apparent conflicts of interest on the part of the committee members. Diligent efforts will be undertaken to protect the positions and reputation of those persons, who in good faith, make allegations of scientific misconduct. In those cases where allegations of misconduct are not confirmed, the Foundation will undertake diligent efforts to restore the reputation of persons alleged to have engaged in misconduct. The Investigative Committee will conduct a prompt and thorough investigation, and will:

- 1) Protect, to the maximum extent possible, the privacy of those who in good faith report apparent misconduct; and afford the affected individual(s) confidential treatment to the maximum extent possible.
- 2) Examine all scientific and academic work with which the individual(s) was involved.
- 3) Examine all documentation, including but not limited to, all relevant research data and proposals, publications, and correspondence.
- 4) Interview 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 allegation. A complete summary of the interviews should be prepared and provided to the person interviewed for revision or comment. The summary of interviews will become part of the investigatory file.
- 5) Provide an opportunity for the individual under investigation to comment on the allegations and findings of the investigation.
- 6) Create a written record of the investigation.
- 7) Complete the investigation and submit recommendations to the President within 90 calendar days after initiation of the investigation. The recommended actions will take into consideration the gravity of the offense and mitigating circumstances.
- 8) If it is not possible to complete the investigation within the 90 day time period, the Investigative Committee is responsible for providing interim reports to the President every two weeks until the investigation is completed.
- 9) The President will submit to ORI a request for an extension if the Foundation is unable to complete the investigation in 120 days. The extension

request will include an explanation for the delay, an interim report on the progress to date, an outline of what remains to be done, and an estimated date of completion. The President will determine whether the sponsoring agency funding the research will receive periodic status reports pending completion of the investigation.

- d. Nothing stated in this section prevents the President from taking interim administrative action, as appropriate. The President will inform ORI and the sponsors or agencies funding the research of any developments disclosed during the course of the investigation that may affect immediate health hazards, the need to protect Federal funds or equipment, current or proposed extramural funding for the individual(s) under investigation, or that the alleged incident will probably be publicly reported. If reasonable indication of possible criminal violations is found, ORI will be notified within 24 hours. If the Foundation plans to terminate the investigation for any reason, without completing all relevant regulatory requirements, a report of the planned termination including the reasons for such termination will be made to ORI.
- e. The investigation is not an adversarial proceeding and the respondent does not have the right to have an attorney present when interviewed by the Committee or during the interviews of other witnesses.
- f. The committee's findings shall be based on the preponderance of evidence. The USUHS, PHS, and NSF all employ a similar standard of proof.
- g. A copy of the signed report shall be given to the respondent, who will have 10 days to submit any comments and/or rebuttal to the report. After review of the respondent's report, the Investigative Committee may choose to reopen the investigation, modify or reconsider its earlier decision, or reaffirm its earlier conclusions.
- h. The President may appoint an extramural committee of senior "disinterested" scientists and administrators to review the findings and recommendations of the Investigative Committee and to extend the investigation if the extramural committee deems necessary.

- i. The President will receive the findings and recommendation of the extramural committee and take actions deemed appropriate.
2. Upon completion of an investigation, the following actions will be taken:
 - a. If the allegation of misconduct is substantiated:
 - 1) A final report will be submitted to ORI and the extramural funding agency. This report will include a clear articulation of the allegation, describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and will include the actual text or an accurate summary of the views of any individuals(s) found to have engaged in misconduct, as well as a description of any sanctions taken by the Foundation. Documentation will be prepared and maintained to substantiate an investigation's findings. This documentation will be made available to the Director, ORI who will decide whether that office will proceed with its own investigation or act on the Foundation's findings.
 - 2) Institutions and sponsoring agencies with which the individual has been affiliated previously will be notified if there is reason to believe that the validity of previous research might be questionable.
 - 3) Editors of journals in which previous abstracts and papers have appeared which are relevant to the investigation will be notified and all pending abstracts and papers which result from the misconduct may be withdrawn.
 - 4) Hospitals with which the individual was associated will be notified as necessary.
 - 5) Collaborating scientists and their departmental supervisors from other research institutions, as appropriate to the nature of the misconduct, will be notified.
 - 6) Appropriate action will be taken to terminate, alter the

status of, or otherwise discipline Foundation employees whose misconduct is substantiated. These actions may include, but are not limited to: termination of employment, limitation of duties, demotion, or additional scientific review of work.

- b. If the allegation of misconduct is not substantiated by a thorough investigation, formal efforts will be undertaken to fully restore the reputation of the Foundation employee or others under investigation. Appropriate action will be taken against any parties involved, if leveling unfounded charges of misconduct was malicious or intentionally dishonest.
- c. After completion of the investigation, scientific practices and institutional policies and procedures for promoting the ethical conduct of research and for investigating allegations of misconduct will be reviewed and modified, if necessary, to reflect the experience gained by the Foundation.

F. Responsibilities

- 1) The President of the Foundation will:

Administer the Foundation's Misconduct Policy.

Appoint an informal Inquiry, and if necessary, an Investigative Committee to review allegations of professional misconduct involving teaching or research as necessary.

Receive and act upon reports of professional misconduct from the informal Inquiry Committee and the Investigative Committee. Notify the sponsoring agency, if necessary.

- 2) The Foundation supervisors are responsible for:

Promoting the highest standards of conduct, including scientific integrity.

Immediately reporting any acts of alleged scientific misconduct in accordance with this policy.

Reviewing and approving papers for publication in scientific or professional journals.

- 3) The Foundation General Counsel:

Coordinates and oversees Foundation implementation of this policy.

Ensures that the review and handling of the informal inquires and formal investigations conform with this policy.

4) The Foundation Human Resources Office is responsible for:

Ensuring that scientific and administrative staff are informed of the Foundation's Scientific Misconduct Policy and of the importance of compliance with the policy.

5) Foundation Personnel are responsible for:

Becoming familiar with the Foundation's Scientific Misconduct Policy and of the importance of compliance with the policy.

G. EFFECTIVE DATE

This policy is effective immediately.



John W. Lowe
President



Date