Research – Scientific Misconduct
Office of the Vice President for Research

March 2014

The University of Texas at Austin
Office of Internal Audits
UTA 2.302
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Research – Scientific Misconduct
Project Number: 818.13
March 26, 2014

President William C. Powers, Jr.
University of Texas at Austin
Office of the President
P.O. Box T
Austin, Texas 78713

Dear President Powers,

We have completed our audit of Research – Scientific Misconduct. Our scope included scientific misconduct allegation for fiscal years 2010 – 2013.

Based on a review of The University of Texas at Austin (UT Austin) policies and procedures, federal regulations, interviews with staff, and testing, we conclude that UT Austin is in compliance with most aspects of the policies and procedures for investigating and reporting scientific misconduct. Our audit report provides detailed observations for each area under review. Suggestions are offered throughout the report for improvement in the existing control structure.

We appreciated the cooperation and assistance of the Vice President for Research and the Research Integrity Officer throughout the audit and hope that the information presented herein is beneficial.

Sincerely,

Michael W. Vandervort, CPA
Director

cc: Internal Audit Committee Members
Dr. Robert Peterson, Associate Vice President for Research and Research Integrity Officer
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EXECUTIVE SUMMARY

This audit was conducted at the request of the Vice President for Research as part of the Fiscal Year 2013 Audit Plan.

The Office of Vice President for Research (OVPR) supports research at all levels of The University of Texas at Austin (UT Austin). OVPR represents UT Austin in national and state research policy discussions, identifies and facilitates relationships with outside sponsors, and assures the availability of infrastructure needed to aid research. The OVPR’s budget for fiscal year 2013 was $2.9 million. Within the OVPR, the Research Integrity Officer is appointed by the Vice President for Research and is responsible for initiating and overseeing the process when allegations of scientific misconduct occur. The objective of the audit was to determine whether UT Austin was in compliance with policies and procedures for investigating and reporting scientific misconduct.

Based on a review of UT Austin policies and procedures, federal regulations, interviews with staff, and testing, we conclude that UT Austin is in compliance with most aspects of the policies and procedures for investigating and reporting scientific misconduct. However, three recommendations were made to improve the administration of scientific misconduct allegations.
BACKGROUND

The Office of Vice President for Research (OVPR) supports research at all levels of The University of Texas at Austin (UT Austin). OVPR represents UT Austin in national and state research policy discussions, identifies and facilitates relationships with outside sponsors and assures the availability of infrastructure needed to aid research. The OVPR’s budget for fiscal year 2013 was $2.9 million. Within the OVPR, the Research Integrity Officer (RIO) is appointed by the Vice President for Research and is responsible for initiating and overseeing the process when allegations of scientific misconduct occur.

When an allegation of scientific misconduct is received, the RIO is responsible for an initial evaluation using an institutional inquiry. The objective of an inquiry is to gather information to determine whether an allegation or apparent instance of scientific misconduct warrants an investigation. When an inquiry warrants an investigation, a formal examination and evaluation of all relevant facts is performed by an appointed committee to determine if scientific misconduct has occurred. During an investigation, and at the conclusion, the RIO is responsible for communicating the results to the Office of Research Integrity within the U.S. Department of Health and Human Services. Each allegation of scientific misconduct results in an inquiry, but not all inquiries result in an investigation.

Since 2010, UT Austin has received 11 allegations of scientific misconduct which resulted in inquiries. Of the 11 inquiries, three advanced to an investigation.

SCOPE, OBJECTIVES, AND PROCEDURES

The scope of this audit includes scientific misconduct during fiscal years 2010 through 2013. The specific audit objective was to determine whether UT Austin was in compliance with policies and procedures for investigating and reporting scientific misconduct.

To achieve the objective, the Office of Internal Audits:

- Reviewed federal regulations\(^1\);
- Reviewed UT Austin policies and procedures;
- Interviewed relevant staff; and
- Tested a sample of scientific misconduct cases.

This audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and with *Government Auditing Standards*.

The remainder of this report presents detailed observations and recommendations.

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AUDIT RESULTS

Six inquiries of scientific misconduct were selected for testing, three of which advanced to an investigation.

The following areas were reviewed:

- Evidence of allegation,
- Research records and evidence secured,
- Appropriate administrators notified,
- Respondent informed of allegation,
- Respondent interviewed,
- Complainant interviewed,
- Review and comment on inquiry report,
- Inquiry completed within 60 days,
- Appropriate parties determined need for investigation,
- Federal agency notified of investigation,
- Committee appointed,
- Respondent notified of committee members,
- Interviews transcribed,
- Comment on investigation report,
- Appropriate parties determine final decision,
- Investigation completed within 120 days, and
- Post-investigation actions reported to the Office of Research Integrity.

Recommendations were made in the following areas: Complainant Interview, Interview Transcript, and Review and Comment on Inquiry Report.

Investigation – Complainant Interview

For one of three scientific misconduct investigations tested, the complainant was not interviewed. Without interviewing the complainant, UT Austin may not obtain pertinent information to make an accurate final decision regarding scientific misconduct.

According to Policy 7-1230, Section II.G of UT Austin’s Handbook of Operating Procedures, “The [investigation] committee should, when possible, interview the complainant(s), the respondent(s), and other individuals who might have information regarding aspects of the allegations.”

Additionally, according to § 93.310(g) of 42 Code of Federal Regulations, “Institutions conducting research misconduct investigations must interview each respondent, complainant, and any other available person who has been reasonably identified as having information…”

**Recommendation 1:** Management should ensure that each complainant is interviewed during a scientific misconduct investigation.
Management’s Corrective Action Plan: Attempts will be made to interview (by telephone, personally, or by Skype) all complainants. If a complainant cannot be interviewed, the circumstances and/or justification will be documented in the case file. Responsible Person: Research Integrity Officer Planned Implementation Date: March 10, 2014

Post Audit Review: Internal Audits will perform follow-up work at the close of FY14.

Investigation – Interview Transcript
For all three scientific misconduct investigations tested, the interviewee did not have the opportunity to review and comment on the interview transcript. In addition, during a meeting it was stated that the interview transcript is only provided to the interviewee for comment or correction when a court reporter is present. Without providing the interviewees with the transcript to review and comment, the interviewee may not have sufficient opportunity to provide pertinent information needed to make an accurate final decision regarding scientific misconduct.

According to Policy 7-1230, Section II.G of UT Austin’s Handbook of Operating Procedures, “Interviews of the respondent should be tape recorded or transcribed. All other interviews should be transcribed, tape recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigation file.”

Additionally, according to § 93.310(g) of 42 Code of Federal Regulations, “Institutions conducting research misconduct investigations must… record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation.”

Recommendation 2: Management should ensure that each interviewee is provided an opportunity to review and comment on the interview transcript, and that any comments are retained in the investigation file.

Management’s Corrective Action Plan: All interviewees will have the opportunity to review and comment on their respective interview transcripts. For one of the three investigations, the respondent’s attorney was provided a copy of the interview transcript. Responsible Person: Research Integrity Officer Planned Implementation Date: March 10, 2014

Post-audit Review: Internal Audits will perform follow-up work at the close of FY14.

Inquiry – Review and Comment on Inquiry Report
For all six scientific misconduct inquiries tested, the respondent did not have the opportunity to review and comment on the draft inquiry reports. In addition, during a meeting with the department it was stated that the draft inquiry report is not provided to the respondent for review and comment. Without providing the respondent an
opportunity to review and comment on the draft inquiry report, UT Austin may not be providing the due process required by UT Austin’s policies and Federal regulations for handling allegations regarding scientific misconduct.

According to Policy 7-1230, Section II.D.3 of The University of Texas at Austin’s *Handbook of Operating Procedures*, “The respondent will have the opportunity to review the draft inquiry and investigation reports.”

Additionally, according to § 93.307(f) of 42 Code of Federal Regulations, “The institution must provide the respondent an opportunity to review and comment on the inquiry report and attach any comments received to the report.”

**Recommendation 3:** Management should ensure that the draft inquiry reports are provided to the respondent for review and comment.

**Management’s Corrective Action Plan:** All respondents will have the opportunity to review and comment on the draft inquiry reports.

**Responsible Person:** Research Integrity Officer

**Planned Implementation Date:** March 10, 2014

**Post-audit Review:** Internal Audits will perform follow-up work at the close of FY14.

**CONCLUSION**

Based on a review of UT Austin policies and procedures, federal regulations, interviews with staff, and testing, we conclude that UT Austin is in compliance with most aspects of the policies and procedures for investigating and reporting scientific misconduct. However, three recommendations were made to improve the administration of scientific misconduct allegations.

In accordance with directives from The University of Texas System Board of Regents, the Office of Internal Audits will perform follow-up procedures to confirm that audit recommendations have been implemented.