



Jardín Botánico de Cartagena

Guillermo Piñeres

Scientific Misconduct Policy

1. Purpose

Fundación Jardín Botánico “Guillermo Piñeres” faculty, staff and students are expected to conduct research in accordance with the highest ethical standards. The Organization does not tolerate misconduct in any aspect of research, and will promptly investigate all such allegations.

This document defines the behaviours that constitute research misconduct and describes the Organization’s policies and procedures for investigating such allegations, including actions the Organization may take depending on the outcome. The policies and procedures in this document adhere to federal requirements of our research sponsors as well as the Organization’s due process considerations.

2. Scope

This policy applies to all Organization staff and other employees, (such as postdoctoral scholars) who propose, conduct, report, or review research on behalf of the Organization regardless of funding source.

In addition, Fundación Jardín Botánico “Guillermo Piñeres” subcontractors, collaborators, and other third parties are expected to comply with their respective policies and procedures for investigating scientific misconduct allegations. Such policies should comply with federal regulations and be consistent with Fundación Jardín Botánico “Guillermo Piñeres” policy.

This policy does not address and specifically excludes fiscal improprieties, issues concerning the ethical treatment of human or animal subjects, authorship disputes, sexual harassment or discrimination, general matters not within the definition of scientific misconduct, and criminal matters.

3. Definitions

3.1 Research

Research includes all basic, applied, and demonstration research, and encompassing research training, applications or proposals for support of research or research training regardless of whether an application or proposal resulted in a grant, contract, cooperative agreement, or other form of support, and related research activities.

3.2 Research Misconduct

Research misconduct is defined as fabrication, falsification, plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest error or honest differences of opinion.

1. **Fabrication** is making up data or results and recording or reporting them.

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2. **Falsification** is 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.
3. **Plagiarism** is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

3.3 Research Record

The Research Record is defined as the record of data or results that embodies the facts resulting from scientific inquiry, including, for example, laboratory records, research proposals, reports, abstracts, theses, oral presentations, journal articles, and any documents or materials provided to the Organization by the subject of the allegations in the course of a research misconduct proceeding.

The Research Record also includes all records secured in connection with a Preliminary Inquiry or Investigation; documentation of the determination of irrelevant or duplicate records not retained; the Preliminary Inquiry report and final documents produced in the course of preparing that report; and the Investigation report and all records (other than drafts of the report) in support of that report, including the recordings or transcriptions of interviews conducted in the course of an Investigation.

4. Process

4.1 Receipt of an Allegation

4.1.1 **Making an Allegation.** An individual with an allegation of research misconduct involving a Fundación Jardín Botánico "Guillermo Piñeres" faculty member, staff, or student employee may make an allegation orally or in writing, and must bring the allegation to the Executive Director. The Executive Director will determine whether the allegation is sufficiently credible, specific, and falls within the scope of this policy. The Executive Director should ensure that he or she does not have an actual or potential personal, professional, or financial conflict of interest with the complainant, respondent, or witnesses. If the Executive Director determines that he or she does have such a conflict, he or she shall disclose such actual or potential conflicts to the Board of Directors, who shall determine whether someone other than the Executive Director should assume the responsibilities assigned to the Executive Director under this policy.

The Organization will provide confidentiality, to the extent possible and allowed by law, to those who in good faith report apparent misconduct, to the subject of a research misconduct allegation(s), and to research subjects identifiable from research records or evidence, by limiting disclosure of their identities to those who need to know, consistent with a thorough, competent, objective, and fair research misconduct proceeding.

4.1.2 **Contents of Allegation.** An allegation of research misconduct must include a detailed description of the alleged misconduct, the individual(s) who is (are) the subject(s) of the allegation, as well as supporting evidence or documentation, if available. An allegation may be made orally or in writing.

4.1.3 **Pursuit of Allegations.** Inquiries and Investigations begun in response to an allegation will continue even if the subject of the allegation leaves the Organization

before the process is completed. The Organization has the authority to obtain all relevant documentation, data and other records in connection with the allegations of research misconduct, and to request that the appropriate department, unit or school sequester all such materials.

4.1.4 Duty to Cooperate and Provide Evidence. The subject(s) of an allegation has the duty to furnish data, records, and other documents as requested by the Organization so that a thorough review can be completed. The destruction, absence of, or any failure to provide research records adequately documenting the questioned research at any point in the process is evidence of research misconduct where it is established by a preponderance of the evidence that the subject(s) of an allegation intentionally, knowingly, or recklessly had research records and destroyed them, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner, and that the subject's conduct constitutes a significant departure from accepted practices of the relevant research community.

4.2 Step 1—Preliminary Inquiry

Should the Executive Director determine that an allegation falls within the scope of this policy and is sufficiently credible and specific so that potential evidence of research misconduct may be identified, he or she will promptly initiate a Preliminary Inquiry (and appoint a Preliminary Inquiry Committee) into the allegation or other evidence of possible misconduct in scientific research. The purpose of the Preliminary Inquiry is to determine whether a formal investigation into the allegation is warranted.

The Executive Director shall forward to the Board of Directors the Preliminary Inquiry Committee's report, conclusions, and recommendations, any comments submitted by the complainant and/or subject of the allegations, the documentation of the Preliminary Inquiry, and the Executive Director's comments on the Committee's recommendations. The Committee's report is only a recommendation to the Board of Directors. The Board of Directors will complete the Preliminary Inquiry by determining whether or not to affirm the recommendations of the Preliminary Inquiry Committee, or to take different action.

4.3 Step 2—Investigation

Should the Board of Directors decide to proceed with an Investigation, the Executive Director will appoint a special committee to investigate the allegations. The purpose of the Investigation is the formal development of a record, and the examination of that record to determine whether to recommend a finding that research misconduct occurred.

A finding of research misconduct requires that:

1. There be a significant departure from accepted practices of the relevant research community for maintaining the integrity of the research record;
2. The misconduct be committed intentionally, knowingly, or recklessly; and
3. The allegation be proven by a preponderance of the evidence.

The Executive Director will forward the Investigation Committee's report to the Board of Directors. The Committee's report is only a recommendation to the Board of Directors.

The Board of Directors will complete the Investigation by determining whether or not to affirm the recommendation(s) by the Investigation Committee, or to take different action.

If the Board of Directors determines that research misconduct took place, he or she will require the investigator to notify any journals where the research was reported and request that any articles related to the research be retracted.

4.4 Step 3—Resolution

Resolution of an Investigation by the Board of Directors may involve a finding that either the allegation(s) of misconduct cannot be substantiated or further action is necessary, and that disciplinary action, up through and including formal proceedings for dismissal, should commence. The nature of the disciplinary action taken will take into account the seriousness of the misconduct, including but not limited to:

1. The degree to which the misconduct was knowing, intentional, or reckless;
2. Whether the misconduct was an isolated event or part of a pattern; and/or
3. If the misconduct had a significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.

The nature of disciplinary actions taken will also depend on whether the subject of the allegation(s) is staff or employee, postdoctoral fellow, or student employee.

If the Board of Directors or President determines, following a Preliminary Inquiry, Investigation or Hearing, that there has been a failure to substantiate an allegation of research misconduct, the Organization will make appropriate and reasonable efforts to protect the reputations of the persons alleged to have engaged in the misconduct. Depending on the case, this may include communicating the Organization's findings to the complainant, respondent and any witnesses who are aware of the allegations.

In all cases, the Organization will undertake reasonable and appropriate efforts to seek to protect the positions and reputations of those persons who, in good faith, make allegations, submit evidence, or otherwise participate in the process. This may include communicating its determination that allegations were made in good faith to the complainant, respondent, and any witnesses who are aware of the findings. The Organization will also seek to appropriately discipline any member of the Organization community who retaliates against someone who makes allegations of research misconduct, gives evidence, or participates in the proceedings.

5. Reporting to Government

5.1 Notification

When the Organization receives an allegation of research misconduct that involves federally funded research (or an application for federal funding) the Board of Directors will:

1. Upon completion of the Preliminary Inquiry through the Board of Directors's action, notify the relevant federal agency (or agencies) in writing within the required time frames of the agency (or agencies), including but not limited to the Office of Research Integrity (ORI), if the allegation meets the definition of

- research misconduct above, and there is sufficient evidence to proceed to an Investigation.
2. Upon completion of the Investigation through the Board of Directors' action, forward to the relevant agency (or agencies) a copy of the Investigation report and the Organization's action.
 3. Upon completion of the adjudication phase through a Hearing and the President's or Board of Directors' action, forward the Organization's decision and notify the agency (or agencies) of any corrective action taken or planned.

The Board of Directors is also responsible for notifying the appropriate government agency (or agencies) within the agency's required time frames if he/she ascertains at any stage of the Preliminary Inquiry, Investigation, or Hearing that any of the following conditions exist:

1. There is an immediate public safety or health risk involved, including an immediate need to protect human or animal subjects;
2. There is an immediate need to protect Federal funds or equipment;
3. There is a need to suspend research activities;
4. There is a need for Federal action to protect the interests of those involved in the research misconduct proceeding;
5. It is probable that the alleged incident is going to be reported prematurely to the public, so that appropriate steps are needed to safeguard evidence and protect the rights of those involved;
6. The research community or public should be informed; or
7. There is a reasonable indication of possible violations of civil or criminal law.

5.2 Additional Sanctions

The relevant federal agency has the right under federal regulations to impose additional sanctions, beyond those applied by the institution, upon investigators or institutions, if it deems such action appropriate in situations involving funding from the agency.