I. Policy

A. The University is dedicated to truth in pursuit of knowledge through research and to the transmission of knowledge through teaching. A spirit of mutual respect and a broad trust that all faculty members, students and staff share this dedication to the truth are essential to the functioning of the University. Nevertheless, from time to time some member of the community may appear to have disregarded accepted norms of professional behavior. The integrity of the programs of the University requires that faculty, students and staff be aware of potential misconduct in themselves and in others, and that allegations of misconduct be resolved in a just manner, ensuring that there are no recriminations for a person bringing an allegation in good faith.

B. "Misconduct" in this regard is defined as:

1. 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;

2. material failure to comply with requirements for protection of researchers, human subjects or the public, or for ensuring the welfare of laboratory animals;

3. failure to meet other material professional standards or legal requirements governing Research;

4. does not include honest error or honest differences in interpretations or judgments of data.

C. Disregard of established norms of conduct may be intentional, or may be unwitting. In either case, public trust and the pursuit of truth are endangered and the University has an obligation to act. It may be appropriate, however, for the University to respond differently to different sorts of misconduct.
D. The procedures outlined herein were initiated in response to requirements promulgated by the Public Health Service and the National Science Foundation dealing with issues of possible misconduct in science and engineering. They are intended to provide a fair and orderly means of handling all issues of alleged misconduct in "research and scholarship" and to be a bridge to existing procedures, policies and provisions of the Faculty Manual, the Student Policy Manual and the Policies and Procedures Manual. In the context of these procedures, "research and scholarship" includes all faculty, staff and students employees participating in such activities.

E. Since a charge of misconduct, even if unjustified, may seriously damage an individual's career, any such issues must be handled in a limited and confidential manner. Premature disclosure of information concerning an allegation may itself constitute misconduct. As few people as possible should be involved at any stage of the procedure. Any inquiry or investigation must also be handled promptly and expeditiously and with full attention to the rights of all individuals involved. It is understood that anyone conducting an inquiry or investigation must possess the special knowledge necessary to judge the situation but must also have no immediate personal interest in the case.

F. To comply with Federal requirements, the time between reporting of misconduct and completion of an inquiry to determine if further investigation is required should not exceed 60 days. The time required from initiation to completion and disposition of an investigation including required reporting to the Department of Health and Human Services (DHHS) Office of Research Integrity (ORI) and other relevant external agencies should not exceed 120 days. Should an inquiry take longer than 60 days to complete, the record of inquiry should include documentation of the reasons for the additional time. Any further investigation must be undertaken within 30 days of the conclusion of the inquiry. As appropriate, a request for extension must be submitted to ORI if an investigation cannot be completed in 120 days. The request should include an explanation for the delay, an interim progress report, an outline of outstanding issues, and an estimated date of completion.

If it is decided that an inquiry or investigation should be terminated without completing all relevant requirements, a report of such termination, including a description of the reasons for the termination must be made to ORI.

G. The procedures have been designed in the recognition that it may be difficult to determine why or even whether an apparent misconduct has occurred and that the process of inquiry or investigation must be sufficiently flexible to be terminated when it becomes clear that charges are unjustified or that the issue can be resolved appropriately by other means.

II. Procedure

A. Reporting Responsibility and Procedure

I. Any faculty member, student, staff member or other individual who suspects that misconduct has occurred has an obligation to report that suspicion to the chair of the department affected or to the appropriate dean. Anyone who suspects that misconduct has occurred but who may have
doubts about what constitutes misconduct or may be uneasy about approaching a division head or a dean with a serious allegation has the option of consulting with the Office of Research Compliance (ORC) before taking other steps. Such consultation will be afforded the strictest confidentiality.

2. If a person feels assured, after consultation with the ORC, that there has been no misconduct, that person should take no further action in the matter.

3. If a person leads the ORC to believe that misconduct has occurred and then fails to pursue the issue further, the ORC must then report the alleged misconduct to the division head or the appropriate dean. The identity of the person bringing the matter to the attention of the ORC will not necessarily be concealed, since this person may be an important witness in establishing the necessity for an investigation.

4. If there is evidence that the alleged misconduct involves any of the following conditions, a report must be made immediately to ORC: a) there is an immediate health hazard; b) there is an immediate need to protect Federal funds or equipment; c) there is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her associates, if any; d) it is probable that the alleged incident is going to be reported publicly; e) there is reasonable indication of possible criminal violation. Upon receiving such report, if the project has external support, the ORC will report the alleged misconduct to the sponsoring agency as required by agency policies. In the case of the Public Health Service, it shall be reported to the Office of Scientific Integrity (OSI) in accordance with 42 CFR 50.104.

B. Action by Division Head

1. An important initial decision for the division head is to determine whether or not it is appropriate for him or her to conduct the preliminary inquiry. If the division head is personally involved to any degree, then this preliminary inquiry must be conducted by the dean. Otherwise the division head will review the matter personally or with the help of a departmental ad hoc committee. The purpose of the review is (a) to exclude frivolous accusations, and (b) to distinguish between misconduct and carelessness and incompetence. If invalid results of research have been published, the need for further inquiry or investigation must be considered. The person accused of misconduct must be given an opportunity to answer the charge at this time.

2. If the division head decides that there are no grounds for a charge of misconduct and that no further inquiry is necessary, a written report of the matter should be submitted to the dean, unless the division head feels that, to protect innocent parties, further communication is inappropriate. If no report is submitted to the dean, the division head must establish a confidential, sequestered file giving the findings of the departmental review and the reasons for not reporting them to the dean. The report (file) shall include what evidence was reviewed, summaries of relevant interviews, and the conclusions of the inquiry. The file must be kept for a minimum of three years and be available to authorized DHHS personnel. A copy of this file must be sent to the Provost, also a copy of the inquiry report must be given to the accused, and any comments by the
accused made part of the inquiry record. The case is then considered closed. Diligent efforts, as appropriate, should be taken at this time to restore the reputation of the accused, and to protect the position and reputation of the person who, in good faith, made the allegation of misconduct.

3. If the division head decides that there is reason to suspect that misconduct has occurred, a report to the dean is mandatory. An early oral notification is encouraged, but this should be followed immediately by a written notification. It is desirable for the report to the dean to be prepared in consultation with the ORC and General Counsel of the University.

4. In either event, the division head must promptly inform the accused and the accuser of the action taken in the matter.

C. Action by the Dean

1. A dean may receive a report of alleged misconduct directly from anyone who suspects that it has occurred, or in the form of the findings of a preliminary review by the division head or the ORC. If the dean is the first to conduct a preliminary review, the person accused of misconduct must be given an opportunity to answer the charge at this time. If the dean decides, on the basis of limited and confidential review that there are no grounds for misconduct, then the matter is ended as a misconduct question. In this case, the dean must establish a confidential, sequestered file giving the findings of the review and the reasons for taking no further action. A copy of this file must be sent to the Provost and maintained for a period of at least three years where it will be available for inspection by authorized personnel of DHHS. The case is then closed at this point. Diligent efforts, as appropriate, should be taken at this time to restore the reputation of the accused, and to protect the position and reputation of the person who, in good faith, made the allegation of misconduct.

2. If the dean decides that there are grounds for a charge of misconduct, an ad hoc committee will be appointed by the dean, which will include (1) three faculty members, at least one of whom must be from the same field as the accused, and (2) two administrators appointed by the Provost.

3. The necessary action must be taken at this time to ensure the integrity of research, the rights and interests of research subjects and the public, and the observance of legal requirements or responsibilities. When the alleged misconduct involves federally sponsored research, the ORC must be informed. The ORC will report the incident in accordance with 42 CFR 50.104 and the sponsoring agency's policies, and implement interim administrative actions to protect federal funds and ensure that the purposes of the federal financial assistance are being carried out. (The sponsoring agency may reserve the right to initiate an investigation of its own.)

D. Action by the Ad Hoc Committee

1. Initially, the business of the ad hoc committee is to determine, through a limited review, whether a formal investigation should take place. "Limited" means investigation only in enough detail to establish clearly whether or not there is sufficient evidence to take further action. In general, issues of misconduct that require an "investigation" are those which are (a) regarded as
especially serious, (b) involve more than one person or unit of the institution, (c) are characterized by conflicting or uncertain facts or (d) bear directly on the academic integrity of the institution. An especially important threshold factor favoring a formal investigation is written scholarly or professional publication of the matter at issue.

2. If the ad hoc committee determines that there is no evidence of misconduct and thus no need for formal investigation, it reports this finding to the dean and the case is closed, with establishment of a sequestered file to be maintained for a period of three years, of which a copy is sent to the Provost. The file will be available for inspection by authorized personnel of the DHHS. The accused and the accuser must be provided with a report of the results of the inquiry and any comments by the accused made part of the file. Diligent efforts, as appropriate, should be taken at this time to restore the reputation of the accused, and to protect the position and reputation of the person who, in good faith, made the allegation of misconduct.

3. If the preponderance of evidence clearly indicates that misconduct has occurred, and the ad hoc committee determines that further investigation is not needed, and the dean concurs, a full report will be sent to the Provost, including a recommendation for appropriate action. In the case of an externally sponsored project, a full report must be sent to the ORC, which will make appropriate reports to the sponsoring agency, and as appropriate, ORI. The report should include a description of 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 include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions taken by the institution.

4. If the ad hoc committee determines that further investigation is called for, they will so advise the dean who, in consultation with the appropriate University officials, must ensure that the following steps are taken (if not taken earlier):

   a. The person accused of misconduct must be informed that an investigation is taking place.

   b. All relevant materials and documents shall be sought and should include but not be limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls.

   c. If a project involves federally sponsored research, the sponsoring agency must be informed that an investigation is continuing. The agency must continue to be kept informed of progress throughout the investigation including prompt notification of the Office of Research Integrity (ORI) of facts that may affect current or potential DHHS funding for individual(s) under investigation or that the Public Health Service (PHS) needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.

   d. It must be determined whether other parties (co-workers, journals, other employers) should be informed of the situation.

   e. It must be determined also whether interim administrative action is necessary.
5. The purpose of the ad hoc committee is to determine whether misconduct as defined herein has occurred. In conducting an investigation, the ad hoc committee, in consultation with the Office of the General Counsel and others, will develop and follow procedures appropriate to the circumstances needed for both a complete review and fairness to all individuals involved. Consideration should be given to a review of all research with which the accused is involved. 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 be prepared and provided to the interviewed party for comment or revision and included as part of the investigatory file. Throughout the investigation, the accused and any collaborators or supervisors whose role in the alleged misconduct is questionable should be advised of the progress of the investigation and be afforded the opportunity to respond and to provide additional information.

6. When the ad hoc committee has completed its investigation, it reports all findings in writing to the dean. A copy of the report should be made available to the accused for comment.

7. If the ad hoc committee's investigation fails to find that misconduct has occurred, and if the dean concurs with these findings, the issue is ended. At this time diligent efforts should be made toward the restoration of the reputation of those under investigation, and should also include efforts to protect the positions and reputations of those who in good faith made the allegations. Notification of the results should be sent to any sponsoring agencies or organizations previously alerted to the problem. The dean must establish a confidential, sequestered file giving the findings of the investigation. The report of the committee and a copy of the file must be sent to the Provost and maintained for a period of three years where it will be available to authorized DHHS personnel.

8. If the allegations of misconduct are found to have been malicious or intentionally dishonest, the committee, in consultation with the dean, will recommend appropriate action to the Provost. A copy of the report of the investigating committee must be forwarded to the sponsoring agency(ies) if previously notified of the matter.

9. If, based on the preponderance of evidence, the ad hoc committee and the dean concur that misconduct has occurred, the committee will make a full report to the Provost and, in consultation with the dean, will recommend appropriate action. A full report will also be sent to the sponsoring agency(ies) if previously notified of the matter. Consideration should also be given to (a) withdrawal of papers and abstracts, (b) notification of editors of journals where fraudulent research has been published, (c) notification of sponsoring agencies and (d) actions to protect Federal funds and to insure that the project is carried out, and (e) release of information about the incident to the press (particularly when public funds were used to support fraudulent research).

10. If the dean or the Provost feels that further investigation is necessary, the matter may be returned to the ad hoc committee.
11. Final action, including sanctions, will be directed by the Provost, the Vice President for Human Resources or the Vice President for Student Affairs as appropriate. The action taken will be communicated to the accused together with a statement of grievance rights. If dismissal is recommended, action will be taken in accordance with published rules and procedures.

This revision was made in response to a review of the policy by the Federal Office of Research Integrity (ORI) and incorporates recommendations made by that agency.