VI.COMMUNITY STANDARDS AND POLICIES: C. MISCONDUCT IN SCHOLARLY ACTIVITIES

Scholarly activity is an important component in one's efforts in achieving teaching excellence. Because of the role scholarship has in the academic process, both in the development of students and the discipline at large, it is also important that integrity of scholarly work be maintained. In the event that misconduct in this area is suspected, a procedure has been established by which such allegations are to be handled. It is important to note that retaliation of any kind against a person reporting or providing information in good faith about suspected or alleged misconduct will not be tolerated. Rather, it is the University's intention to protect, to the maximum extent possible, the positions and reputations of these individuals, in addition to those against whom allegations of misconduct are not confirmed.

1. Definition

Scholarly misconduct is defined as follows: falsification, fabrication, plagiarism, or other practices which seriously deviate from accepted practices in proposing, carrying out, or reporting research or other scholarly activities. It does not include honest error or honest differences in interpretations or judgments of data.

2. Procedure

When a charge is made against a member of the faculty alleging scholarly misconduct, the procedures under the Termination section of the Faculty Handbook will generally be followed except when federal funds are involved.

3. Procedures for Federally Funded Projects

Applicability. The following procedures will apply to all individuals involved with a research project supported by federal grant monies. This would include but not be limited to faculty, students, and technicians.

Allegations. Notification of an allegation of misconduct should be made in writing to the Provost of the University. Upon notification of an allegation of misconduct, an immediate inquiry into the allegation is to take place.

Inquiry. An inquiry consists of information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. An inquiry shall be completed within 60 calendar days from the receipt of the allegation unless circumstances clearly warrant a longer period. The President of the University is to notify the accused individual in writing of the nature of the charges and inform that individual of the name(s) of the individual(s) making the charges. This written notice may be preceded by an informal verbal notification, if appropriate. A group of impartial experts will be selected to conduct the inquiry. These individuals will be screened to prevent possible conflicts of interest.

Additionally, the individual(s) against whom allegations are made may be prohibited from expensing any remaining federal funds during the inquiry until such time as a decision regarding the allegations is reached. If a co-principle investigator is assigned to the grant, the co-principle investigator is to become the principle on the grant until the inquiry has come to an end and a decision has been reached.

During the inquiry the privacy of those who in good faith report apparent misconduct shall be protected, to the maximum extent possible. Additionally, the affected individual(s) shall be afforded confidential treatment to the maximum extent possible. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of inquiry. During the inquiry, the individual will have an opportunity to comment on the allegations which are made, in addition to responding to the findings of the inquiry. If they comment on that report, their comments may be made part of the record. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period.

If the findings of the inquiry provide sufficient basis for conducting an investigation, the initiation of the investigation is to occur within 30 calendar days of the completion of the inquiry. If an inquiry is terminated for any reason without completing all relevant requirements, a report of such termination, including a description of the reasons for such termination, shall be made to the Office of Research Integrity (ORI).

Investigation. An investigation is a formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

The ORI of the federal agency affected is to be notified that an investigation is to be conducted. The ORI should be told of any immediate health hazards, the need to protect federal funds or equipment and individual(s) affected by the investigation, and that the alleged incident will probably be publicly reported. If reasonable indication of possible criminal violations is found, ORI must be notified within 24 hours. The ORI also is to be advised if any developments occurring during the course of the investigation disclose facts that may affect current or potential funding for the individual under investigation.

The group of impartial experts selected to conduct the inquiry, shall conduct the investigation if necessary. These individuals will be screened to prevent possible conflicts of interest.

Additionally, the individual(s) against whom allegations are made, may be prohibited from expensing any remaining federal funds during the investigation until such time as a decision regarding the allegations is reached. If a co-principle investigator is assigned to the grant, the co-principle investigator is to become the principle on the grant until the investigation has come to an end and a decision has been reached.

During the investigation the privacy of those who in good faith report apparent misconduct shall be protected to the maximum extent possible.

Additionally, the affected individual(s) shall be afforded confidential treatment to the maximum extent possible.

A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the investigation. The individual(s) against whom the allegation was made shall be given a copy of the report of investigation. During the investigation, the individual(s) will have an opportunity to comment on the allegations which are made, in addition to responding to the findings

of the investigation. If they comment on that report, their comments may be made part of the record.

The investigation is to be completed within 120 days from the start date and the written report shall be submitted to the ORI upon conclusion of the investigation. The final ORI report must 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, views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions taken by the institution. If an investigation takes longer than 120 days, a request for extension shall be submitted to the ORI. The request for extension must 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.

If an investigation is terminated for any reason without completing all relevant requirements, a report of such termination including a description of the reasons for such termination shall be made to the ORI.

At the conclusion of the investigation, the expert panel shall present their findings to the President in writing. If the President finds the individual not guilty, they are to explain the reasons for their findings and provide these in writing to the individual(s) charged and the individual(s) bringing the charges. If the President concludes that the individual is guilty of the charges, upon the advice of University counsel, they shall then make a decision regarding sanctions, furnishing a copy thereof to the individual(s) charged.

The individual(s) charged may request representation in the proceedings by legal counsel. If the individual(s) charged do so, the individual(s) making the charges may also request counsel. In any case, the President shall have the right to employ the University's legal counsel

Detailed documentation of all inquiries and investigations is to be maintained for at least three years, which, upon request, is to be provided to the authorized federal granting agency personnel. The documentation used in the preparation and substantiation of an inquiry's or investigation's findings shall also be maintained for a minimum of three years after acceptance by the federal agency of the final report.

The processes and procedures described herein above for cases involving federal grant monies shall be interpreted consistent with 42 CFR 50 Subpart A and may be expanded as necessary to comply with said standards or successor federal standards as may be applicable to scientific misconduct and scholarly activities.