

1 University Senate

2 EASTERN CONNECTICUT STATE UNIVERSITY
3 UNIVERSITY SENATE BILL COVER SHEET

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5 **SB: 07/08- 16 Policy and Procedures For Review of Alleged Misconduct In**
6 **Research and Other Scholarly and Creative Activities**

7
8 Sponsoring Parties Senate Executive Committee

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10 Submitted By William Salka, Chair

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12 Semester in which proposed changes would become effective: Spring 2008

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14 Text of Bill: See Attached

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16 Introduced in Senate on April 1, 2008

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18 Returned to Committee on _____ Resubmitted to Senate on _____

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20 Amended by Senate on _____ Tabled by Senate on _____

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22 Approved By Senate on _____ Disapproved by Senate on _____

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24 Sent to University President on _____ University President Deadline _____

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26 Presidential action reported to Senate on _____.

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28 Referred to _____ for implementation on _____.

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30 **Official Signatures**

31
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33 _____ On _____

34 William M. Salka
35 University Senate President

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38 _____ Reasons for Disapproval (below)

39 Elsa Nunez
40 University President

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42 Approved On _____
43 Date

44 Disapproved _____
45 Date

47 **Eastern Connecticut State University**
48
49 **Policy And Procedures For**
50 **Review Of Alleged Misconduct**
51 **In Research And Other Scholarly And Creative Activities**
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54 **I. INTRODUCTION**
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56 Eastern Connecticut State University (the “University”) has an important
57 responsibility to support the scholarly activities of its faculty, staff, and students. Implicit
58 in this responsibility is the requirement that the University make every effort to ensure
59 that high ethical standards are maintained in scholarship performed under its auspices.
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61 **A. Applicability**
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63 This document sets forth the University’s policy on misconduct in
64 research and other scholarly and creative activity and the procedures for
65 addressing allegations that a member of the University community has engaged in
66 such misconduct. The policy and procedures are applicable to all members of the
67 University community, including, but not limited to, faculty, staff, and graduate
68 and undergraduate students, whether engaged in funded or unfunded research.
69 This policy is intended to comply with the U. S. Federal Policy on Research
70 Misconduct as reported in the Federal Register, Volume 65, Number 235
71 (December 6, 2000).
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73 **B. Guiding Principles**
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- 75 (1) It is the responsibility of each member of the University community to
76 maintain the highest ethical standards while engaging in research and
77 other scholarly and creative activity.
78
- 79 (2) It is the responsibility of each member of the University community who
80 witnesses or has reason to believe that another member of the University
81 community has engaged in scholarly or research misconduct to report the
82 alleged misconduct in accordance with the procedures set forth in this
83 policy.
84
- 85 (3) It is the responsibility of each member of the University community to
86 cooperate with the Research Integrity Officer and other University
87 officials in any inquiry into and investigation of allegations of scholarly or
88 research misconduct. Employees of the University are obligated to
89 provide information and evidence relevant to any inquiry or investigation
90 into alleged scholarly or research misconduct conducted by the University.
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93 **II. DEFINITIONS**

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95 The following definitions shall be applicable to these policies and procedures:

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97 A. Allegation: Any written or oral statement or other indication of possible
98 research or other scholarly misconduct made to an institutional official.
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100 B. Business days: Mondays, Tuesdays, Wednesdays, Thursdays and Fridays,
101 except when a university, state, or federal holiday falls or is observed thereon.
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103 C. Complainant: The individual making the allegation of misconduct.
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105 D. Conflict of interest: The real or apparent interference of one person’s interests
106 with the interests of another person, where potential bias may occur due to a
107 prior or existing relationship, including, but not limited to, a personal,
108 professional, or financial relationship.
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110 E. Member of the University community: Any graduate or undergraduate
111 student, any faculty member, teaching assistant, or any other person
112 authorized by the University to provide educational services, including, but
113 not limited to, teaching, research and academic advising, and any person
114 employed by the University to perform assigned administrative, instructional,
115 or professional responsibilities.
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117 F. Research and other scholarly and creative activities: These include all forms
118 of scholarly and creative activities conducted by faculty, staff, and students at
119 Eastern Connecticut State University.

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121 For purposes of these policies and procedures, a student project conducted
122 solely as a pedagogical exercise for an academic course is not subject to this
123 policy.
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- 125 G. Research and scholarly misconduct: Fabrication, falsification, plagiarism or
126 other serious deviation from accepted practices in proposing, conducting or
127 reviewing research or creative endeavors, collecting and analyzing data, and
128 reporting research results or the results of creative endeavors. This definition
129 does not include honest error or differences in opinion or in interpretation or
130 evaluation of data or research methods.
131
132 • Fabrication is making up data or results and recording or
133 reporting them;
134 • Falsification is manipulating research or scholarship materials,
135 equipment, or processes, or changing or omitting data or results
136 such that the scholarship or research is not accurately represented
137 in the research record;

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If an individual is unsure as to whether a suspected incident falls within the definition of research or scholarly misconduct, he or she may contact the Research Integrity Officer to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of research or scholarly misconduct, the Research Integrity Officer will refer the individual or allegation to other University offices or officials with responsibility for resolving the problem, if and as appropriate.

V. Assessment of Alleged Research Misconduct

Upon receipt of an allegation of scholarly or research misconduct, the Research Integrity Officer will conduct an assessment to determine whether there is sufficient evidence to warrant an inquiry. The purpose of the assessment is *not* to reach a final conclusion about whether misconduct definitely occurred or who may have been responsible.

During the assessment, the Respondent will be given an opportunity to present his/her account of the conduct under inquiry to the Research Integrity Officer. In conducting the assessment, the Research Integrity Officer may consult with the Respondent’s research supervisor, assistants and collaborators, and others in the University community who may have information relating to the conduct at issue. Upon receipt of the allegation, the Research Integrity Officer will take all appropriate steps, to the extent allowed by law, to protect and secure the research record and any other relevant data, information, documents or other materials. The Research Integrity Officer will complete the assessment within ten (10) business days of receipt of the allegation. The result of the preliminary assessment shall be one of the following:

- (1) If the Research Integrity Officer determines there is no sufficient substance to the allegation, then no further action will be taken, except that the Research Integrity Officer may refer the allegation to other University offices or officials, if and as appropriate.
- (2) If the Research Integrity Officer determines that there is sufficient substance to the allegation to warrant additional inquiry, the Research Integrity Officer will refer the allegation to an *ad hoc* Inquiry Committee for further investigation. The Research Integrity Officer will promptly inform the Respondent of any such referral.
- (3) The Research Integrity Officer may determine that more time is required to complete the preliminary assessment.

VI. CONDUCTING THE PRELIMINARY INQUIRY

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A. Appointment of the Inquiry Committee

The Research Integrity Officer, in consultation with other members of the University community as appropriate, shall appoint the members of the *ad hoc* Inquiry Committee and shall advise the Respondent of the of the proposed Committee membership within ten (10) days of deciding to refer the matter for inquiry. The members of the Committee, who shall ordinarily number no more than three (3), may be chosen from within or outside the University. In choosing members of the Committee, the Research Integrity Officer shall make all reasonable efforts to select unbiased persons with the expertise necessary to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry; at least one member of the Committee should have expertise in the Respondent’s research discipline. No member of the Inquiry Committee will have either a real or apparent conflict of interest in conducting the inquiry. If a committee member has a conflict of interest, then the Research Integrity Officer will excuse that member and appoint a substitute. The members of the Committee shall choose one member to serve as chair of the Committee.

The Respondent may object to the appointment of any proposed Committee member based on bias or conflict of interest. The Respondent must submit such an objection, in writing, to the Research Integrity Officer within five (5) business days of being notified of the identity of the proposed Committee members. The Research Integrity Officer will thereafter promptly determine whether to replace the challenged member with a qualified substitute.

The Research Integrity Officer will prepare a charge for the Inquiry Committee that describes the allegations and any related issues identified during the Assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the Respondent, the Complainant, and key witnesses to determine whether there is sufficient evidence of possible scholarly or research misconduct to warrant an investigation.

B. Purpose and Procedures of the Inquiry

The purpose of the Inquiry Committee is to determine whether there is sufficient evidence of possible research or scholarly misconduct to warrant a more detailed and formal investigation, *not* to reach a final conclusion about whether misconduct definitely occurred or who was responsible.

At the Committee’s first meeting, the Research Integrity Officer will review the charge with the Inquiry Committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the Committee with organizing plans for the inquiry, and answer any questions raised by the Committee. The Committee will thereafter review the allegation(s) and the

276 known facts, gather additional information, examine relevant research records and
277 materials, and interview persons having relevant information, including the
278 Complainant, the Respondent, the Respondent's supervisors, and those assisting
279 in the research or scholarly activity. However, because the scope of the inquiry
280 does not include deciding whether misconduct occurred, the Committee will not
281 be expected to conduct exhaustive interviews and analyses. The Committee will
282 conduct its inquiry in a manner that will ensure confidentiality to the greatest
283 extent possible without compromising the inquiry.

284

285 The Respondent may provide a written response to the allegation and may
286 suggest additional persons who should be interviewed by the Inquiry Committee.
287 During interviews with the Inquiry Committee, the Complainant and the
288 Respondent may each be accompanied by an advisor of his/her choice, who may
289 be an attorney. The advisor shall not, however, participate in the proceedings or
290 address the Committee.

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292 The Inquiry Committee shall complete its inquiry within forty-five (45)
293 business days of the date of its formation, unless the Research Integrity Officer
294 approves an extension for good cause. The Respondent shall be notified of any
295 such extension granted. At the conclusion of the inquiry, the Committee shall
296 promptly report its recommendation to the Research Integrity Officer. The
297 Inquiry Committee shall make one of two recommendations:

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299 (1) The allegation is without grounds or is insignificant and no further
300 investigation is warranted. If the recommendation is against further
301 investigation, the Committee will include in its report its reasons for
302 determining that no further investigation is warranted so as to preclude the
303 premature termination of the investigation.

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305 (2) A more detailed investigation is warranted and should be conducted.

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308 **C. The Inquiry Report**

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310 Regardless of the recommendation made, the Inquiry Committee shall
311 prepare a written report summarizing its findings and conclusions and shall
312 submit its report, along with its recommendation, to the Research Integrity
313 Officer. The report will state the names and titles of the committee members,
314 summarize the inquiry process followed, list the records reviewed by the
315 Committee, summarize the substance of relevant interviews, describe any other
316 evidence considered, and state the conclusions reached by the Inquiry Committee.
317 The evidence considered by the Inquiry Committee should be described in
318 sufficient detail to demonstrate whether an investigation is warranted or not. If
319 the Research Integrity Officer approved an extension of time for completion of
320 the inquiry, the reason(s) for the extension will be entered into the records of the
321 case and included in the Inquiry Committee's report. Upon conclusion of its

322 proceedings, the Inquiry Committee shall send all materials gathered by it in
323 connection with its inquiry to the Research Integrity Officer.

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325 The Respondent shall be given a copy of the report and shall be afforded
326 the opportunity to comment thereon, which comments will, at the option of the
327 Respondent, be made part of the record of the proceedings of the Inquiry
328 Committee. The Respondent shall be afforded ten (10) business days from receipt
329 of the report to submit comments on the report to the Inquiry Committee. Based
330 on the comments received, the Inquiry Committee may revise the report if and to
331 the extent it deems appropriate.

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333 If the Inquiry Committee determines that the allegation is not substantiated
334 and does not warrant further investigation, the written report of the Committee
335 shall be maintained in confidence by the Research Integrity Officer and any
336 reference to the allegation contained in the personnel file of the Respondent shall
337 be promptly removed.

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339 If the Inquiry Committee determines that a more detailed investigation is
340 warranted, then, within ten (10) business days of receiving the Committee's
341 report, the Research Integrity Officer will notify the Respondent, the
342 Complainant, the President of the University and the chair of the department in
343 which the Respondent holds his/her appointment that an *ad hoc* Investigation
344 Committee will be appointed to initiate such an investigation.

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347 **D. Referral for Further Investigation**

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349 The Research Integrity Officer will notify both the Respondent and the
350 Complainant in writing of his/her decision as to whether to proceed to an
351 investigation and will remind them of their obligation to cooperate in the event an
352 investigation is commenced. The Research Integrity Officer will also notify all
353 appropriate University officials his/her decision as needed.

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VII. CONDUCTING THE INVESTIGATION

A. Purpose of the Investigation

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth, and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations or initiating separate inquiry proceedings.

B. Appointment of the Investigation Committee

The Research Integrity Officer, in consultation with other members of the University community as appropriate, shall appoint the members of the Investigation Committee and shall advise the Respondent of the of the proposed Investigation Committee membership within ten (10) days of receiving the Inquiry Report. The members of the Committee, who shall number at least three (3), may be chosen from within or outside the University. In choosing members of the Committee, the Research Integrity Officer shall make all reasonable efforts to select unbiased persons with expertise necessary to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the investigation; at least one member of the Committee should have expertise in the Respondent’s research discipline. No member of the Investigation Committee will have either a real or apparent conflict of interest in conducting the investigation. If a committee member has a conflict of interest, then the Research Integrity Officer will excuse that member and appoint a substitute. Members of the Preliminary Inquiry Committee appointed to review the allegations lodged against the Respondent may not serve on the *ad hoc* Investigation Committee. The members of the Investigation Committee shall choose one of their members to serve as chair of the Committee.

The Respondent may object to the appointment of any proposed Investigation Committee member based on bias or conflict of interest. The Respondent must submit such an objection, in writing, to the Research Integrity Officer within five (5) business days of being notified of the identity of the proposed Investigation Committee members. The Research Integrity Officer will thereafter promptly determine whether to replace the challenged member.

C. Procedures for the Investigation

The Research Integrity Officer will define the subject matter of the investigation in a written charge to the Investigation Committee that describes the allegation and related issues identified during the preliminary inquiry, defines

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402 scholarly or research misconduct, and identifies the name of the Respondent. The
403 charge will state that the Investigation Committee is to evaluate the evidence and
404 testimony of the Respondent, the Complainant, and key witnesses to determine
405 whether, based on a preponderance of the evidence, scholarly or research
406 misconduct has occurred and, if so, to what extent, who was responsible, and its
407 seriousness.

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409 The Investigation Committee will commence its investigation within ten
410 (10) business days of receiving the report and recommendation of the Inquiry
411 Committee. At the first meeting of the Investigation Committee, the Research
412 Integrity Officer will review the charge, the inquiry report, and the prescribed
413 procedures and standards for the conduct of the investigation, including the
414 necessity for confidentiality and for developing a specific investigation plan.

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416 The investigation will normally involve examination of the research
417 record and other pertinent documentation, including, but not limited to,
418 correspondence, notes and memoranda. The Research Integrity Officer will
419 immediately obtain and secure any additional pertinent research records that were
420 not previously secured during the preliminary inquiry. The Investigation
421 Committee may schedule interviews to discuss the allegations with the
422 Respondent, the Complainant, and the Respondent's supervisor, assistants and
423 collaborators, as well as with others who might have information relating to the
424 allegations. The Respondent may provide names of additional persons who the
425 Committee should interview. The Respondent shall be advised of the identities of
426 all persons interviewed by the Investigation Committee during the investigation.
427 Interviews of the Respondent should be tape recorded or transcribed. All other
428 interviews should be recorded, transcribed or summarized. Summaries or
429 transcripts of the interviews, as applicable, should be provided to the interviewed
430 party for comment or correction, and included as part of the investigatory file.

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432 During the investigation, if additional information becomes available that
433 substantially changes the subject matter of the investigation or would suggest
434 additional respondents, the Investigation Committee will notify the Research
435 Integrity Officer, who will determine whether it is necessary to notify the
436 Respondent of the new subject matter or to provide notice to additional
437 respondents.

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439 The Respondent may request that the investigation include an evidentiary
440 hearing. The Respondent must submit a written request for such a hearing to the
441 Chair of the Investigation Committee within seven (7) business days of receiving
442 notification of the membership of the Committee. The hearing will commence
443 not later than thirty (30) business days after the Committee's receipt of the
444 Respondent's written request therefore. The Complainant and the Respondent
445 will be notified of the date of the hearing at least ten (10) business days in
446 advance thereof. For good cause shown, or on its own initiative, the Committee
447 may reschedule or continue the hearing to another date or dates.

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The Complainant and the Respondent may each be accompanied during the hearing by an advisor of his/her choice, who may be an attorney. The advisor shall not, however, participate in the proceedings or address the Committee. During the hearing, the Complainant and the Respondent will each have the opportunity to present the testimony of witnesses, including themselves, to cross-examine witnesses, to present evidence, including documentary and physical evidence, and to make brief opening and closing remarks. In conducting the hearing, the Committee will not be bound by the procedures and rules of evidence followed in a court of law.

The investigation, including a hearing, if one is requested, and the Committee’s report, should be completed within ninety (90) business days of the appointment of the Committee members. The Research Integrity Officer must approve any extension of the 90-day period.

D. The Investigation Report

The Investigation Committee shall prepare a written report summarizing its findings and conclusions and shall submit its report, along with its recommendation, to the Research Integrity Officer. The report will state the names and titles of the committee members, summarize the inquiry process followed, list the records reviewed by the Investigation Committee, describe how and from whom information relevant to the investigation was obtained, summarize the substance of relevant interviews, describe any other evidence considered, and state the findings of the Investigation Committee and the basis for those findings. The report will also include a description of any sanctions imposed upon the Respondent and any administrative actions taken by the University during the investigation. Upon conclusion of its proceedings, the Investigation Committee shall send all materials gathered by it in connection with its inquiry to the Research Integrity Officer.

E. Institutional Review and Decision

Following receipt of the Investigation Report, the Research Integrity Officer will refer the matter to the appropriate University official for any necessary disciplinary action. Such disciplinary action shall be conducted in accordance with the appropriate collective bargaining agreement or personnel policies.

When a final decision on the matter has been made, the appropriate University official will notify both the Respondent and the Complainant in writing. In addition, the Research Integrity Officer will determine whether law enforcement agencies, professional societies, professional licensing boards,

494 editors of journals in which falsified reports may have been published,
495 collaborators of the Respondent in the work, or other relevant parties should be
496 notified of the outcome of the investigation. The Research Integrity Officer is
497 responsible for ensuring compliance with all notification requirements of funding
498 or sponsoring agencies.
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502 **VIII. INSTITUTIONAL ADMINISTRATIVE ACTION**

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504 If the allegation of misconduct has been substantiated, the University will take
505 appropriate administrative action against an individual against whom an
506 allegation of misconduct has been substantiated. Such action may include any or
507 all of the following:

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509 (a) withdrawal or correction of all pending or published abstracts and papers
510 emanating from the research or other results of scholarly or creative endeavors
511 in connection with which misconduct was determined to have occurred;

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513 (b) removal of the responsible person from the particular project or special
514 monitoring of his/her future work; and

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516 (c) discipline in accordance with University policies and procedures and any
517 applicable collective bargaining agreement.

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520 **IX. OTHER CONSIDERATIONS**

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522 **A. Restoration of the Respondent's Reputation**

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524 If the University determines that no misconduct has occurred, after
525 consulting with the Respondent, the Research Integrity Officer will undertake
526 reasonable efforts to restore the Respondent's reputation. Depending on the
527 particular circumstances, the Research Integrity Officer should consider notifying
528 those individuals aware of or involved in the inquiry and investigation, if any,
529 publicizing the final outcome in forums in which the allegation was previously
530 publicized, or expunging all reference to the misconduct allegation from the
531 Respondent's personnel file.

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534 **B. Protection of Complainant**

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536 A complainant who makes an allegation of research misconduct in good
537 faith shall be protected against retaliatory actions in accordance with University
538 policies and procedures and any applicable collective bargaining agreement.

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C. Allegations Not Made in Good Faith

If relevant, the Research Integrity Officer will determine whether the Complainant’s allegations of research or scholarly misconduct were made in good faith. If it is determined that an allegation was not made in good faith, the University will determine whether any disciplinary action should be taken against the Complainant in accordance with University policies and procedures and any applicable collective bargaining agreement.

X. RECORD RETENTION

After completion of the Preliminary Assessment, Preliminary Inquiry or Investigation, as applicable, the Research Integrity Officer will prepare a complete file, including the records of any Preliminary Inquiry or Investigation and copies of all documents and other materials furnished during this process. The Research Integrity Officer will maintain the file for a period of three years after completion of all proceedings related to the matter, or for such period of time as is required by any applicable state or federal records retention statute, whichever period is greater.

ECSU Research Advisory Council
Approved March 1, 2007