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

Sponsoring Parties Senate Executive Committee

Submitted By  William Salka, Chair

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Official Signatures

__________________________  On ____________________
William M. Salka
University Senate President

__________________________  Reasons for Disapproval (below)
Elsa Nunez
University President

[ ] Approved  On ____________  Date

[ ] Disapproved  ____________  Date
Eastern Connecticut State University

Policy And Procedures For
Review Of Alleged Misconduct
In Research And Other Scholarly And Creative Activities

I. INTRODUCTION

Eastern Connecticut State University (the “University”) has an important responsibility to support the scholarly activities of its faculty, staff, and students. Implicit in this responsibility is the requirement that the University make every effort to ensure that high ethical standards are maintained in scholarship performed under its auspices.

A. Applicability

This document sets forth the University’s policy on misconduct in research and other scholarly and creative activity and the procedures for addressing allegations that a member of the University community has engaged in such misconduct. The policy and procedures are applicable to all members of the University community, including, but not limited to, faculty, staff, and graduate and undergraduate students, whether engaged in funded or unfunded research. This policy is intended to comply with the U. S. Federal Policy on Research Misconduct as reported in the Federal Register, Volume 65, Number 235 (December 6, 2000).

B. Guiding Principles

(1) It is the responsibility of each member of the University community to maintain the highest ethical standards while engaging in research and other scholarly and creative activity.

(2) It is the responsibility of each member of the University community who witnesses or has reason to believe that another member of the University community has engaged in scholarly or research misconduct to report the alleged misconduct in accordance with the procedures set forth in this policy.

(3) It is the responsibility of each member of the University community to cooperate with the Research Integrity Officer and other University officials in any inquiry into and investigation of allegations of scholarly or research misconduct. Employees of the University are obligated to provide information and evidence relevant to any inquiry or investigation into alleged scholarly or research misconduct conducted by the University.
II. DEFINITIONS

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

A. **Allegation:** Any written or oral statement or other indication of possible research or other scholarly misconduct made to an institutional official.

B. **Business days:** Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, except when a university, state, or federal holiday falls or is observed thereon.

C. **Complainant:** The individual making the allegation of misconduct.

D. **Conflict of interest:** The real or apparent interference of one person’s interests with the interests of another person, where potential bias may occur due to a prior or existing relationship, including, but not limited to, a personal, professional, or financial relationship.

E. **Member of the University community:** Any graduate or undergraduate student, any faculty member, teaching assistant, or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research and academic advising, and any person employed by the University to perform assigned administrative, instructional, or professional responsibilities.

F. **Research and other scholarly and creative activities:** These include all forms of scholarly and creative activities conducted by faculty, staff, and students at Eastern Connecticut State University.

For purposes of these policies and procedures, a student project conducted solely as a pedagogical exercise for an academic course is not subject to this policy.

G. **Research and scholarly misconduct:** Fabrication, falsification, plagiarism or other serious deviation from accepted practices in proposing, conducting or reviewing research or creative endeavors, collecting and analyzing data, and reporting research results or the results of creative endeavors. This definition does not include honest error or differences in opinion or in interpretation or evaluation of data or research methods.

- Fabrication is making up data or results and recording or reporting them;
- Falsification is manipulating research or scholarship materials, equipment, or processes, or changing or omitting data or results such that the scholarship or research is not accurately represented in the research record;
Plagiarism is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

H. **Research record**: The record or data or results that embody the facts resulting from scientific or other scholarly inquiry. It includes any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted or reported research that constitutes the subject of an allegation of scholarly or research misconduct. A research record includes, but is not limited to: research proposals; grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks or other records; data compilations; correspondence, notes and memoranda; progress reports; abstracts; theses; journal articles; videos; photographs; computer files and printouts; and manuscripts and publications.

I. **Respondent**: The individual who is the subject of the allegation of misconduct. More than one respondent may be the subject of any inquiry or investigation.

III. **RESEARCH INTEGRITY OFFICER**

A Research Integrity Officer appointed by the University President shall be primarily responsible for the implementation and administration of this policy and its procedures. If required, the Research Integrity Officer will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough evaluation of the relevant evidence in an inquiry or investigation. The Research Integrity Officer will assist the ad hoc Inquiry and Investigation Committees in carrying out these policies and procedures and will implement any applicable standards imposed by government or other external funding sources. The Research Integrity Officer will be responsible for complying with reporting requirements imposed by any research sponsor.

The Research Integrity Officer will be responsible for maintaining files of all documents and evidence received in connection with any investigation of alleged misconduct and for the confidentiality and security of those files.

IV. **ALLEGATIONS OF MISCONDUCT**

Allegations of research or scholarly misconduct should be submitted, preferably in writing, to the Research Integrity Officer. Alternatively, such an allegation may be submitted to the faculty or staff member responsible for the individual whose actions are being questioned, such as the individual’s research supervisor or department head, who shall promptly report the making of the allegation to the Research Integrity Officer. The Research Integrity Officer will advise the Respondent of the receipt of the allegations. Upon receipt of an allegation of misconduct, the Research Integrity Officer shall take any and all action necessary to protect funds provided by granting agencies.
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
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
known facts, gather additional information, examine relevant research records and materials, and interview persons having relevant information, including the Complainant, the Respondent, the Respondent’s supervisors, and those assisting in the research or scholarly activity. However, because the scope of the inquiry does not include deciding whether misconduct occurred, the Committee will not be expected to conduct exhaustive interviews and analyses. The Committee will conduct its inquiry in a manner that will ensure confidentiality to the greatest extent possible without compromising the inquiry.

The Respondent may provide a written response to the allegation and may suggest additional persons who should be interviewed by the Inquiry Committee. During interviews with the Inquiry Committee, the Complainant and the Respondent may each be accompanied 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.

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

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

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

C. The Inquiry Report

Regardless of the recommendation made, the Inquiry 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 Committee, summarize the substance of relevant interviews, describe any other evidence considered, and state the conclusions reached by the Inquiry Committee. The evidence considered by the Inquiry Committee should be described in sufficient detail to demonstrate whether an investigation is warranted or not. If the Research Integrity Officer approved an extension of time for completion of the inquiry, the reason(s) for the extension will be entered into the records of the case and included in the Inquiry Committee’s report. Upon conclusion of its
proceedings, the Inquiry Committee shall send all materials gathered by it in connection with its inquiry to the Research Integrity Officer.

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

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

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

D. **Referral for Further Investigation**

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

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

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

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

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

The Respondent may request that the investigation include an evidentiary hearing. The Respondent must submit a written request for such a hearing to the Chair of the Investigation Committee within seven (7) business days of receiving notification of the membership of the Committee. The hearing will commence not later than thirty (30) business days after the Committee’s receipt of the Respondent’s written request therefore. The Complainant and the Respondent will be notified of the date of the hearing at least ten (10) business days in advance thereof. For good cause shown, or on its own initiative, the Committee may reschedule or continue the hearing to another date or dates.
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,
editors of journals in which falsified reports may have been published, collaborators of the Respondent in the work, or other relevant parties should be notified of the outcome of the investigation. The Research Integrity Officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

VIII. INSTITUTIONAL ADMINISTRATIVE ACTION

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

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

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

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

IX. OTHER CONSIDERATIONS

A. Restoration of the Respondent’s Reputation

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

B. Protection of Complainant

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