POLICY STATEMENT

Subject: Policy for Responding to Allegations of Research Misconduct		
Date: April 26, 2010	Distribution: All Employees	Reference Number:
Revision Date:		
Addition ____ Deletion ____ New Item __X_	Originating Office: School of Graduate Studies and Research	President's Approval

1. PURPOSE: To establish a policy and procedure to respond to any allegations or apparent instances of fraud or misconduct in the carrying out of research by IUP faculty, managers, administrators, staff, and students.

2. SCOPE: The policy will cover all IUP faculty, managers, administrators, staff, and students who conduct research.

3. OBJECTIVE: The policy for responding to allegations of research misconduct governs research conducted by IUP faculty, managers, administrators, staff, and students, defines misconduct in research, and establishes procedures for conducting an inquiry and, if necessary, an investigation into any allegation of possible misconduct. The policy also protects the integrity of the University's research mission. The procedures here constitute the entire fact-finding phases of all situations involving alleged research misconduct as defined by 42 CFR 93, June 16, 2005, and may supersede other fact-finding phases in other university policies, e.g., Academic Integrity (students) and PASSHE Board of Governors' Policy 1983-01-A Merit Principles (managers).

4. POLICY: It is the policy of Indiana University of Pennsylvania to foster an academic environment that encourages ethical conduct in all scholarship. Moreover, IUP will

deal forthrightly with possible misconduct associated with research. The University will conduct an inquiry and, if warranted by that inquiry, an investigation of any allegations of misconduct by IUP faculty, managers, administrators, staff, and students carrying out research projects. In the event that misconduct is proven, the President will take appropriate disciplinary action (for students, findings of misconduct will be processed according the Academic Integrity Policies and Procedures in the Undergraduate and Graduate Catalogs). It is also the policy of the University to maintain and widely promulgate its procedures for dealing with research misconduct.

5. DEFINITION: "Misconduct" or "Research Misconduct" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research, including failure to comply with Federal regulations for protection of researchers, human subjects, the public, or the welfare of laboratory animals. It does not include honest error, honest differences in interpretations or judgments about data, or disputes about authorship (see 42 CFR 93, June 16, 2005).

6. RESPONSIBILITIES: It is the responsibility of the Research Integrity Officer (Dean of the School of Graduate Studies and Research) to receive initial allegations from a complainant. A complaint must normally be filed within six years of the alleged incident to be considered under this policy. Absent unusual circumstances, within 20 days of receiving a complaint, the RIO should identify apparent instances of misconduct, determine whether an inquiry is warranted, and if so, initiate an inquiry into possible misconduct. If the complainant is a student in the respondent’s class, the inquiry and/or investigation may be deferred and the complainant’s name need not be disclosed until after submission of the final grade. If the RIO decides that an inquiry is not warranted, the complainant may appeal this decision to the Provost, who may then order the RIO to proceed with an inquiry. The RIO must provide the respondent with a written notice prior to commencing the inquiry. The RIO must maintain sufficiently detailed

documentation to permit later assessment of the outcome of the inquiry or investigation. Such records must be maintained by the RIO in a secure place for a period of at least seven years. Access to these records shall, upon request, be provided only to the respondent or designee, or to authorized granting agency personnel. If the investigation results in a finding of research misconduct, the President or his or her designee may also access the documentation for disciplinary purposes. The RIO must oversee the selection of qualified persons to serve on the inquiry and investigatory panels, following the guidelines in 42 CFR 93, June 16, 2005.

It is the responsibility of the President or his or her designee to take appropriate disciplinary action on any faculty member, manager, administrator, staff, or student who has been found to have engaged in research misconduct, according to the applicable contracts, side letters, or academic policies governing the respondent. If the RIO has been accused of research misconduct, then the President will appoint a substitute.

All participants acknowledge that disclosure of the identity of respondents and complainants in research misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as allowed by law. At the same time, the panel will afford respondents and complainants a prompt and thorough inquiry into the facts, and an opportunity to comment on allegations and the findings of the inquiry. Additionally, all participants will take all reasonable and practical steps to protect the positions and reputations of good faith complainants, witnesses, and committee members, and will protect them from retaliation by respondents and other institutional members.

7. PROCEDURES:

A. Inquiry

A1. DEFINITION: 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 is not a formal

hearing; its purpose is to separate cases of research misconduct deserving further investigation from frivolous, unjustified, or clearly mistaken allegations or apparent instances.

A2. TIME FRAME: An inquiry must be completed within 60 calendar days of its initiation unless circumstances warrant a longer period.

A3. STRUCTURE: The inquiry will be conducted by a three person panel appointed by the Research Integrity Officer (RIO). If the respondent is a faculty member, all three members will be faculty, chosen by the RIO in consultation with the RIO and the Provost. At least one faculty member will be from the college, not necessarily from the department, of the respondent. If the respondent is not a faculty member, the RIO will choose two faculty members in consultation with the Provost, while the third member will have the same status (administrator, manager, staff, or student) as the respondent. If a faculty member declines to serve, another faculty member will be chosen.

In all cases, persons chosen to participate on the panel shall have no real or apparent conflict of interest bearing on the case in question. They should be unbiased and have relevant disciplinary expertise for judging the issues being raised.

If the respondent or the complainant believes that any of the panel members has a conflict of interest, the burden of proof will be on the respondent or the complainant to demonstrate that conflict of interest. If a conflict of interest is proven, the RIO will remove those person(s) with a conflict and appoint replacement(s).

A4. PROCESS: The misconduct inquiry procedure is not a method to settle disputes that arise between individuals but a process to determine if research misconduct has taken place.

Upon initiation of an inquiry, the RIO is responsible for immediately requesting controlled custody and inventory of records and evidence relevant to the allegation or case. University faculty members,

managers, administrators, staff, and students including but not limited to the complainant and respondent, shall promptly provide upon request all available records and data identified as relevant, including primary research material. Copies of such records and data will be returned promptly, except for materials not amenable to copying. The respondent shall be granted supervised access to materials not amenable to copying throughout the duration of the inquiry and investigation process. All reasonable steps, consistent with time constraints and other obligations imposed by federal regulations, shall be taken to eliminate or minimize any disruption that might be created for ongoing research efforts by such requirements to produce documentation. The respondent will cooperate by providing material necessary to conduct the inquiry. If the respondent refuses to cooperate, the panel will file its report with the RIO and the Provost stating that fact, and the process will automatically proceed to the investigation stage. Failure to provide relevant records and data may subject an individual to a separate disciplinary investigation.

During the inquiry, the panel will examine relevant evidence and will call witnesses as necessary to determine whether an investigation is warranted. To the extent possible, each person involved in the investigation will be instructed that all matters involving the investigation shall be considered confidential. Each witness will receive a written summary of his or her testimony and will be given the opportunity to comment before the summary appears in the final report. The respondent and/or complainant may choose to have someone present to advise him or her when he or she appears before the panel.

A5. FINDINGS: At the conclusion of the inquiry, a written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The respondent and the complainant shall be given a copy of the report. The respondent shall have the opportunity to comment on the inquiry report, and the respondent’s comments will be included with the final report. If the inquiry takes longer than 60 days to

complete, the record of the inquiry shall include documentation of the reasons for exceeding that time limit.

If after examining the evidence, the majority of the inquiry panel believes there is a reasonable basis for concluding that misconduct took place or may have taken place, the panel will recommend to the RIO that an investigation should take place. If the panel determines that research misconduct has not occurred, the respondent shall be notified of that fact in writing in a timely manner. Copies of the letter will be forwarded to the University President, the Provost, and the dean of the respondent's college or supervisor.

If the allegation of the complainant was brought in good faith, the final report should state that fact to help ensure the good name of the complainant. However, if during the course of the inquiry, the panel becomes convinced that allegations have not been brought in good faith, the panel will notify the President and Provost in writing of that fact so that appropriate action may be taken.

When, on the basis of the initial inquiry, the inquiry panel determines that an investigation is warranted, the University President, Provost, and the dean of the respondent's college or other supervisor must be notified in writing with a copy of the report so that the investigatory process can begin. The respondent will also be formally notified of the specifics of the complaint that is the basis of the investigation. If the respondent is a member of a collective bargaining unit, his or her union chapter President shall also be notified. In addition, if the research was sponsored by any external agency, that agency must be notified that an investigation involving possible misconduct will be initiated.

B. Investigation

B1. DEFINITION: "Investigation" means the formal, confidential examination and evaluation of all relevant facts to determine if misconduct has occurred.

B2. TIME FRAME: An investigation must begin within 30 calendar days of the formal closing of the inquiry. An investigation must be completed within 120

calendar days of its initiation. This includes conducting the investigation, preparing the report of findings, making that report available for comment by the respondent, and submitting the report to the appropriate granting agency. If the investigation panel determines that it will not be able to complete the investigation in 120 days, it must notify all participating individuals in writing of the reasons for the delay and must include an explanation for the delay in its final report.

B3. STRUCTURE: The investigation will be conducted by a five-member panel appointed by the RIO, who will serve on the panel as a non-voting, ex-officio member for the purpose of acting as secretary.

If the respondent is a faculty member the investigation panel will be made up of two senior-level managers and three university faculty members from outside of the PASSHE system. The two managers will consist of an academic dean, who will serve as chair of the committee, and the Associate Vice President for Academic Administration. The faculty must have expertise in the research area associated with the alleged misconduct.

If the respondent is a manager, administrator, staff member, or student, the investigation panel will be made up of two senior-level managers, two faculty, and one manager, administrator, staff member, or student, respective to the status of the respondent. The two senior-level managers will consist of an academic Dean, who will serve as chair of the committee, and a second manager to be named by the RIO. Two tenured faculty, one of whom is from outside of IUP, will be chosen to serve on the panel by the RIO. The faculty must have expertise in the research area associated with the alleged misconduct. Finally, the RIO will appoint an appropriately-trained manager, administrator, staff member, or student, respective to the status of the respondent, in consultation with the appropriate union, the Graduate Student Assembly, or the Student Government Association.

In all cases, persons chosen to participate on the panel shall have no real or apparent conflict of interest bearing on the case in question. They should be

unbiased and have relevant disciplinary expertise for judging the issues being raised. If the respondent or the complainant believes that any or all of the panel members has a conflict of interest, the burden of proof will be on the respondent or the complainant to demonstrate that conflict of interest. If a conflict of interest is proven, the Provost will remove those persons with a conflict and appoint replacement(s) according to the process outlined above.

B4. PROCESS: For the purpose of holding meetings, all voting members of the panel must participate in the meeting, either in person or via teleconference. Both the respondent and the complainant must be afforded the opportunity to present information before the panel. The respondent and/or complainant may choose to have someone present to advise him or her when he or she appears before the panel.

The investigation normally will include examination of all relevant documentation, including but not necessarily limited to relevant research data proposals, publications, correspondence, memoranda of telephone calls, and other records. Interviews must be conducted of each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent. Interviews must be recorded or transcribed, provided to the interviewed party for correction and included as part of the investigatory file.

The panel may secure necessary and appropriate discipline-related expertise to carry out a thorough evaluation of the relevant evidence during the investigation.

At all times the panel must take precautions against real or apparent conflicts of interest on the part of those giving information or on the part of anyone who is in any way involved with the investigation.

If IUP plans to terminate an inquiry or an investigation for any reason without completing all relevant requirements and if federal funds are being used to support the research, a report of such planned termination, including a description of the reasons for

such termination, shall be made to the appropriate granting agency, which will then decide whether further investigation should be undertaken.

B5. FINDINGS: IUP has the burden of proof for making a finding of research misconduct. A finding of research misconduct must be proved by a preponderance of the evidence. After all the evidence has been reviewed and the respondent and complainant have been given an opportunity to respond to the evidence, the panel will prepare a draft report including the majority opinion and, if there is one, a minority opinion. This draft report will be provided to the respondent and the complainant, who may return comments on the draft report to the RIO within 30 days of receipt of the report. These comments must be included and considered in the final report, which will be sent to the University President. The report will 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, and the actual text or an accurate summary of the statements and evidence provided by any individual(s) found to have engaged in misconduct.

The panel shall submit its findings to the President and to the Provost. The respondent and the complainant shall also receive copies of the majority, and if there is one, the minority report. Reports involving students will be processed according to Academic Integrity Policies and Procedures. The RIO must provide the investigation report and other information to external granting agencies and/or Federal agencies as required.

Based on the evidence contained in the report(s), the President may initiate a disciplinary hearing in accordance with the relevant Collective Bargaining Agreement (faculty, administrators, or staff); or the PASSHE Board of Governors' Policy 1983-01-A Merit Principles (managers); or the Undergraduate or Graduate Academic Integrity Policy and Procedures (students).

8. RECISION: Not applicable

9. PUBLICATIONS STATEMENT: Not Applicable

10. DISTRIBUTION: All Employees Annually (by the Dean of the School of Graduate Studies and Research)