

Policy for Responding to Allegations of Research Misconduct

FINAL DRAFT – 1/20/2010

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.

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

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).

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 submitted to the Office of Student Conduct responsible for appropriate disciplinary action). It is also the policy of the University to maintain and widely promulgate its procedures for dealing with research misconduct.

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.

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, to identify apparent instances of misconduct, to determine within a timely manner whether an inquiry is warranted, and to initiate any inquiry into possible misconduct. 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 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.

Faculty serve as the subject matter experts and have a primary responsibility to determine if misconduct has taken place. 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.

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 Provost and the President of local APSCUF. 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 should have no real or apparent conflict of interest bearing on the case in question. They should be unbiased and have appropriate backgrounds for judging the issues being raised.

If the respondent or the complainant believe 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). If the respondent is a member of a collective bargaining unit, they have the right to request union representation.

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. 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.

The RIO is also responsible for notifying the respondent in writing in a timely manner regarding the nature of the charges and the process that will follow. Absent unusual circumstances, the decision to conduct a formal investigation shall be made within a timely manner of receipt of the complaint. If the complainant is a student in the faculty member's class, the investigation may be deferred and the complainant's name need not be disclosed until after submission of the final grade.

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.

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 shall be given a copy of the 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 and the RIO agrees, 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. 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.

If the respondent is a faculty member or manager the investigation panel will be made up of two senior-level managers and three faculty. 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. Two tenured faculty from IUP will be chosen to serve on the panel by the Provost in consultation with the President of local APSCUF. At least one of the faculty must have expertise in the academic area represented by the respondent. The RIO will recruit a third faculty member, who may come from a university other than IUP. This faculty member should represent the discipline of the respondent. The RIO will also serve on the panel but as a non-voting, ex-officio member for the purpose of acting as secretary.

If the respondent is an administrator, staff member, or student, the investigation panel will be made up of two senior-level managers, two faculty, and one administrator, staff member, or student, respective to the status of the respondent. The two senior managers will consist of the RIO, who will serve as chair of the committee, and a second manager to be named by the Provost. Two tenured faculty will be chosen to serve on the panel by the Provost in consultation with the President of local APSCUF. At least one of the faculty must have expertise in the

academic area represented by the respondent. Finally, the RIO will appoint an administrator, staff member, or student, respective to the status of the respondent, in consultation with the appropriate union or the Student Government Association.

The persons selected to serve on the panel should be unbiased and have appropriate backgrounds for judging the issues to be 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).

B4. PROCESS: For the purpose of holding meetings, three voting members of the panel will constitute a quorum. Both the respondent and the complainant must be afforded the opportunity to present information before the panel, to question witnesses in front of the panel, including the complainant, and to call witnesses of his or her own. If the respondent is a member of a collective bargaining unit, the respondent may have union representation.

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. Whenever possible, interviews should be conducted of all individuals involved either in making the allegations 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, provided to the interviewed party for comment or suggested revision 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: After all the evidence has been heard and the respondent and complainant have been given an opportunity to respond to the evidence, the panel will file a majority and, if there is one, a minority report with the University President. The report(s) 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 respondent and the complainant have 30 days to submit a written response, which must be included with the final report(s).

The panel shall submit its findings to the President, who shall act as the Deciding Official (DO) for the University, 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 submitted to the Office of Student Conduct responsible for student judicial matters. 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 take disciplinary action following procedures specified in the appropriate 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).

Rescission: Not applicable

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