



# EMMANUEL COLLEGE

## Office of Sponsored Programs Research Misconduct Policy

2 February 2015

### I. Introduction

The U.S. Office of Science and Technology Policy (OSTP) established the following common definition of “research misconduct” through federal regulation (FR 76260-76264) in December 2000: “Fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.” To be considered research misconduct, actions must represent a “significant departure from accepted practices,” have been “committed intentionally, or knowingly, or recklessly,” and be “proven by a preponderance of evidence.” Research misconduct does not include honest errors or honest differences of opinion. In compliance with federal policy, Emmanuel College is committed to reviewing, investigating, and reporting allegations of research misconduct, and will protect the privacy of those who report misconduct in good faith to the maximum extent possible.

### II. Scope

This policy applies to:

- A. all research conducted under the aegis of Emmanuel College – both internally and externally funded
- B. all research conducted under the aegis of Emmanuel College – both on and off-campus
- C. all individuals at Emmanuel College who are engaged in any type of research, including, but not limited to, faculty, staff, students, fellows, guest researchers, and visiting scholars

The policy and associated procedures will be followed when an allegation of possible research misconduct is received by the Office of the Dean of Arts and Sciences.

### III. Definitions

- A. Allegation means a disclosure of possible research misconduct through any means of communication. The disclosure may be a written or oral statement to a College official.
- B. Complainant is a person who in good faith makes an allegation of research misconduct.
- C. Evidence means any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.
- D. Fabrication is making up data or results and recording or reporting them.
- E. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.



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- F. Inquiry means preliminary information gathering and preliminary fact finding
- G. Investigation means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of research misconduct or to a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions.
- H. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- I. Respondent is the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.
- J. Retaliation means an adverse action taken against a complainant, witness, or committee member in response to a good faith allegation of research misconduct; or good faith cooperation with a research misconduct proceeding.

### **IV. Responsibility to Report Misconduct:**

- A. All individuals associated with Emmanuel College should report observed, suspected or apparent misconduct in science to their supervisor(s). The allegations should be communicated to the Dean.
- B. At any time, an employee may have confidential discussion and consultation about any concerns of possible misconduct with their supervisor(s) and be counseled about appropriate procedure for reporting allegation(s).
- C. The Dean will evaluate the allegation to determine whether it falls within the definition of research misconduct and whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified. In an event that the supervisor is suspected of the misconduct, the complaint shall be submitted directly to the Dean and the Vice President of Academic Affairs.
- D. If the Dean determines that the allegation warrants an inquiry, the Committee on Research Misconduct will conduct both the inquiry and the investigation process. The Committee on Research Misconduct is an ad hoc committee to be composed of three senior members of the faculty. The committee members and chair will be appointed by the Vice President of Academic Affairs. The Director of Human Resources will serve as a de facto member of the committee.
- E. The Committee on Research Misconduct shall consist of individuals who do not have real or apparent conflicts of interest in the case and have the necessary expertise to evaluate the evidence and issues related to the allegation in an unbiased manner. The Associate Dean of Academic Program Support will staff the inquiry and investigation and is a non-voting member of the Committee on Research Misconduct.



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- F. The Dean will notify the respondent of the proposed committee membership. The respondent may submit a written objection to any appointed member of the inquiry/investigation committee based on bias or conflict of interest within 14 days. The Dean will consider the reasons for the objection and determine whether to replace the challenged member or expert with a qualified substitute.

### **IV. Confidentiality**

Emmanuel College cannot guarantee the confidentiality of the identity of any complainant, respondent or other person involved in a proceeding under this policy or of the information developed in the course of a proceeding. Disclosure of the identity of respondents and complainants in research misconduct proceedings and the information developed in a proceeding 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 required by law.

### **V. Process of Inquiry**

- A. Upon determining that an allegation falls within the definition of research misconduct and that an inquiry is warranted, the Dean will notify the respondent and will immediately secure all original research records and materials relevant to the allegation.
- B. The purpose of the inquiry is to make a preliminary evaluation of the evidence to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation or whether the matter can be closed because the allegations are frivolous, unjustified or mistaken.
- C. The inquiry must be initiated promptly and be completed within 60 days of the receipt of allegation from the complainant, unless circumstances require a longer period. If the inquiry is not completed within 60 days, documentation for extending the period should be prepared providing thorough explanations.
- D. If the Committee on Research Misconduct finds the allegations to be frivolous, unjustified or mistaken and therefore not to warrant an investigation the Committee must document its reasoning in its inquiry report.
- E. At the conclusion of an inquiry, the Committee on Research Misconduct will prepare a report which includes the name of the respondent, a description of the allegations of research misconduct, any comments from the respondent or the complainant, evidence reviewed, interview summaries, and conclusions of the inquiry.
- F. The respondent shall be entitled to receive a copy of the draft report and will be given thirty days to comment on the report. The final report will address the respondent's comments.



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### VII. Process for Investigation

- A. If findings from the inquiry provide a sufficient basis for conducting an investigation, an investigation will be initiated by the Committee on Research Misconduct within 30 days of the completion of the inquiry. The investigation should be completed within 120 days.
- B. The Investigation will involve examination of all documentation including, but not limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. Interviews of the complainant, the respondent, and other individuals who might have information regarding aspects of the allegations will be conducted.
- C. The Dean will give the respondent written notification of the charges to be investigated, as well as the place, time, and date of any meeting at which her/his appearance is requested. Every effort will be made to schedule such meetings at a convenient time. Unless waived by the respondent, no initial meeting with the committee will take place less than seven (7) days after s/he receives the committee's request to appear. The respondent may request a rescheduling of the meeting(s) with the committee for good cause. The respondent's failure or refusal to meet with the committee will not deter the progress of the investigation. If the respondent is no longer a member of the Emmanuel College community, the requirements of written notice and an opportunity to answer to the charge of misconduct will be observed as far as is practical, but the failure of the respondent to respond or to appear before the Committee on Research Misconduct will not deter the investigation.
- D. The Committee on Research Misconduct shall meet with all persons involved. The committee shall afford all parties the full opportunity to provide explanations, responses, and review and examine all relevant documents, and submit congruent documentation.
- E. The Committee on Research Misconduct shall record its interviews with the complainant, the respondent and all witnesses. Deliberations of the Committee will not be recorded.
- F. Since it is intended that all stages of this procedure be conducted in the spirit of peer review, and that it be non-adversarial in nature, no respondent and no complainant may appear before an inquiring body or office of the College with legal counsel.
- G. To find research misconduct, a majority of the Research Misconduct Committee must find by a preponderance of the evidence that an act of research misconduct occurred, that it represented a significant departure from the accepted practices of the scientific community and that it was committed intentionally, knowingly or recklessly.
- H. If, with due regard to complainant protections, the Committee on Research Misconduct finds: 1) the allegations of misconduct were based on information that the person bringing the allegations knew or should have known was without substantial basis and, 2) the person bringing the



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allegations acted in bad faith, and with intent to damage the respondent, appropriate disciplinary action may be instituted in accordance with applicable procedures.

### VI. The Investigation Report

- A. The final report submitted to the Dean by the Committee on Research Misconduct will describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for the findings. The report will include the actual text or an accurate summary of the interview(s) of the respondent and other key witnesses.
- B. A copy of the draft report will be provided to the respondent, as well as a copy of, or supervised access to, the evidence on which the report is based. The respondent may submit comments to the draft report within 30 days of receipt. The Dean will be given the final report and the respondent's comments, if any; a copy will also be provided to the Office of Human Resources.

### VII. Administrative Actions

- A. Emmanuel College will take appropriate administrative and disciplinary actions when an allegation of misconduct has been substantiated.
- B. The Dean will review the report and make the final determination whether to accept the investigation report, and its findings.
- C. The Dean may also return the report to the Committee on Research Misconduct with a request for further fact-finding or analysis.
- D. If the Dean accepts the report, he or she will decide on the appropriate actions to be taken. The actions may include:
  - 1) Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
  - 2) Removal of the responsible person from the particular project;
  - 3) Formal reprimand;
  - 4) Special monitoring of future work and other remedial action;
  - 5) Probation;
  - 6) Suspension;
  - 7) Initiation of steps leading to termination of employment in accordance with established procedure.
- E. The disposition by the Committee on Research Misconduct of an allegation of research misconduct fraud and the remedial or disciplinary actions may be appealed to the Vice President of Academic Affairs, whose decision shall be final. An appeal to the Vice President of Academic Affairs may be made within 14 days after the person(s) receive notice of the Dean's decision.



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- F. Review by the Vice President of Academic Affairs shall be limited to the adequacy of the procedures followed and appropriateness of the actions taken.
- G. Where the final decision of the College exonerates the respondent, reasonable and appropriate action(s) should be taken to restore the reputation of respondent.
- H. A person determined to have committed research fraud may not invoke the College's grievance procedure in an effort to gain a re-adjudication of the charge.

### **X. Notification of Third Parties**

- A. Any granting agency that is supporting, considering support, or has supported the research in question must be informed that an investigation is taking place and the report must be submitted to the Office of Sponsored Programs, which may then inform relevant federal sponsors in accordance with applicable policies and procedures. This may be done, consistent with the sponsor rules, without identifying the individuals accused. The funding agency and the Office of Sponsored Programs must be kept informed of progress throughout the investigation, in accordance with regulatory requirements.
- B. If at any stage of the inquiry or investigation of cases involving sponsored research it is determined that any of the following conditions exist, the Dean will immediately notify the Office of Sponsored Research and the Vice President of Academic Affairs: a) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects; b) Emmanuel College resources or interests are threatened.
- C. Research activities should be suspended when: a) There is reasonable indication of possible violations of civil or criminal law; b) Federal action is required to protect the interests of those involved in the research misconduct proceeding; c) The Dean or his/her designee believes the research misconduct proceeding may be made public prematurely so that Emmanuel College may take appropriate steps to safeguard evidence and protect the rights of those involved; d) the research community or public should be informed.
- D. In the event that information obtained appears to present the possibility that a criminal act may have occurred, such information shall be immediately forwarded to the Office of Human Resources which will assume responsibility for notifying general counsel who will prompt notification of the appropriate federal and state authorities.
- E. At any stage of the inquiry or investigation, the Dean may take steps to notify other parties who, in his/her judgment, should be informed of the on-going proceedings or its conclusion, and whether interim administrative action is necessary to protect any funding or governmental or public interest.



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### **XI. Record Retention**

After completion of a case and all ensuing related actions, the committee will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials. The Office of Human Resources will keep all official records.