

State University of New York College at Cortland

Policy for Misconduct in Science

(Adopted and Approved By Faculty Senate December 12, 1991)

Introduction

A recent¹ final rule in the Federal Register announced that institutions receiving funds from a variety of federal sources must develop a policy dealing with and reporting alleged or suspected misconduct in science involving research. In this context the following guidelines have been developed in order to ensure an orderly and fair process of investigation of complaints relating to unethical practices in the conduct and reporting of scientific research. It should be emphasized that known incidents of scientific misconduct represent a very small percentage of the thousands of projects that are funded by government sources and that a general atmosphere of trust and cooperation has long characterized research in the scientific community; the overall integrity of researchers in all scientific fields is exemplary. However, when misconduct or unethical behavior is detected, it is important that appropriate college officials deal responsibly with such an incident and that a mechanism for receiving and investigating allegations of scientific misconduct as well as a process for resolving such allegations be in place.

An essential element of any policy on scientific misconduct that is to be fair and effective is a process that will differentiate between instances of genuine and serious misconduct from insignificant deviations from acceptable practices, technical violations of rules, simple carelessness, and other such minor infractions. The procedures in this policy are designed to allow for such distinctions in a manner that minimizes disruptiveness and at the same time protects the conscientious, honest scientist from false or mistaken accusations.

Finally, it is essential to maintain an atmosphere of openness and creativity and to avoid unnecessary or repressive regulation. The integrity of the research process is an essential part of our intellectual and social structure and has been maintained largely by self-regulation. This policy, then, is designed to provide a framework to deal with those rare instances of violations of honesty in research.

A. Policy Statement

It is the intent of this policy to assure and promote the principles of professional integrity, to prevent scientific misconduct, and to discover and censure instances of misconduct whenever they occur. Accordingly,

1. The College shall maintain high ethical standards in science and other scholarly work, prevent misconduct where possible, and promptly and fairly evaluate and resolve instances of alleged or apparent misconduct.
2. Each member of the College community has a responsibility to report allegations of misconduct in scientific work. Any individual raising serious allegations of misconduct will not suffer any penalty; however, frivolous, mischievous,

¹ 1989; clarifying footnote added March 11, 2005

malicious or deliberate misrepresentation in alleging misconduct will not be tolerated and may result in action against the perpetrator.

3. Cortland College will take appropriate disciplinary action against any individual found guilty of misconduct. This action will include disclosure to funding agencies, collaborating scientists and institutions, journal editors, professional associations, licensing boards, and potential employers who request oral or written reference.
4. This policy applies to scientific research and related scholarly writing conducted by any member of the University faculty or staff. This policy is not intended nor designed to address issues such as the conduct of students in fulfilling course requirements, which are covered by other institutional policies.
5. Under this policy a four stage process for the handling of allegations of scientific misconduct has been established:
 - a. an inquiry to determine whether the allegation or related issues warrant further investigation;
 - b. when warranted, an investigation to collect and thoroughly examine evidence;
 - c. a formal finding; and
 - d. appropriate disposition of the matter.
6. To the maximum extent possible, the College will take no more that 60 calendar days to conduct an inquiry and determine whether an investigation is warranted. If it is determined that a full investigation is warranted, such as investigation will begin within 30 calendar days of the conclusion of the inquiry, and the institution shall generally take no more than 120 calendar days to complete the investigation, prepare the report of findings, request and receive the comments of the subject(s) of the investigation, and make a decision on the disposition of the case.
7. Cortland College will report annually to all funding and sponsoring agencies as follows:
 - a. Assurance that the institution has established an administrative process for reviewing, investigating and reporting allegations of misconduct in science in connection with sponsored research.
 - b. Provide such specific and aggregate information on allegations, inquiries, and investigation as funding and sponsoring agencies may prescribe.

B. Definitions

1. “Misconduct” or “Misconduct in Science” means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

2. “Inquiry” means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
3. “Investigation” means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

C. Personnel

After consultation with the President and other appropriate individuals or groups, the Provost will appoint a qualified administrator to serve as the Misconduct Policy Officer.

The Misconduct Policy Officer will have the following responsibilities:

1. Assure that complaints are formulated by those making allegations as written documents in a clear and specific manner.
2. Maintain thorough records and documentation pertaining to all aspects of cases.
3. Conduct the initial inquiry into allegations and submit in writing to the Provost recommendations resulting from investigations.
4. Assist the Provost in conducting formal investigations of allegations of misconduct.
5. Report information pertaining to inquiries and investigations as appropriate through the Office of Sponsored Programs to funding agencies.

D. Liability Coverage

The involvement of faculty and staff in inquiries or investigations as outlined in these policies is assumed to be part of the duties and responsibilities of their positions as defined in Section 17 of the Public Officers Law.

Process for Handling Allegations of Misconduct in Research

A. Initiation of an Inquiry

1. An allegation of misconduct in research will be reported in writing to the Misconduct Policy Officer. The person making the allegation will attest, in the written statement, to the accuracy of the report and will sign the report.
2. The Misconduct Policy Officer will immediately initiate an informal, discreet inquiry into the allegations with the purpose of determining whether a formal investigation is warranted. The Officer will consult with those faculty and/or staff members who potentially have information pertinent to the case, or who can provide expert advice. The investigator will be informed of the inquiry at this point.

3. The Misconduct Policy Officer will take special precaution to protect the integrity, interests and privacy of all individuals involved, including both those accused and those bringing the allegation. The integrity of research, whether in progress or already completed, will be protected during the inquiry to the fullest extent possible.
4. The investigator whose research is the subject of the allegation will be informed: (a) that a complaint has been lodged; (b) of who made the complaint; (c) of the nature of the complaint; and (d) of the procedures to be followed in an inquiry and in the investigation, if the latter step should be taken. The investigator will be informed that all possible precautions will be taken to assure the confidentiality of the process, that a prompt inquiry and (if so indicated) investigation will ensue, and that opportunity will be provided for response and comment on all allegations.
5. The inquiry will be completed within 60 calendar days, or, if additional time is required, the Misconduct Policy Officer will justify in writing to both the investigator and the person bringing the allegation why additional time is needed.
6. As a conclusion to the inquiry the Misconduct Policy Officer will file a written report with the Provost and Academic Vice President with an assessment as to whether the allegation(s) warrant a full investigation. The Officer will maintain sufficiently detailed records and documentation that would permit a later determination that an investigation was not warranted. Records will be securely retained for a period of three years after conclusion of the inquiry, and will make the records and documentation available to authorized representatives of sponsoring and funding agencies.
7. The Misconduct Policy Officer will be especially alert to possible conflicts of interest among those involved in the inquiry.
8. The Provost will determine on the basis of the written report of the Misconduct Policy Officer, and after consultation with others as appropriate, whether a formal investigation is warranted or whether the inquiry should end. Any decision by the Provost will be documented in writing.
9. If the Provost determines that no formal investigation is warranted, those involved will be so informed. The Provost may question the propriety of the initial allegation and take further action as appropriate. If no formal investigation is warranted, and if there is no question regarding the propriety of the original allegation, then the inquiry ends.

B. Investigation

Administrative Responsibility. If the Provost determines that an investigation is warranted, then the Provost or his/her designee will take the following actions:

1. An ad hoc Misconduct Investigation Committee with the following membership will be appointed:

Misconduct Policy Officer (Chair)
Chair or Dean in involved department or division
Coordinator of Sponsored Programs
Other faculty and/or administrative staff as appropriate

The committee will conduct an investigation and prepare a report for the Provost.

2. SUNY Central Legal Counsel's Office, and, if sponsored research was involved, the Research Foundation will be consulted. If sponsored research was involved, the granting agency will be informed that an investigation is in progress. If other individuals are potentially affected by the investigation, they will be informed that an investigation is in progress. Upon determination of probable criminal violations, all appropriate agencies and individuals will be notified within 24 hours. If Public Health Service funds are involved, the PHS Office of Scientific Integrity will be notified.
3. Funding or sponsoring agencies will be promptly notified at such times during the investigation that it appears action is needed to protect funds and the public's interest.
4. The individual being investigated will be informed that a formal investigation is being initiated and that the individual is invited to submit a written response to the allegation(s).
5. Consultation will be undertaken, as appropriate to the investigation, with faculty or staff members who may further the purposes of the investigation.
6. Collaborators or colleagues who have intimate knowledge of the research under investigation will be informed of the allegation(s) and given the opportunity to comment.
7. All materials pertinent to the investigation will be collected and secured as soon as possible.
8. Action will be taken at such times during the investigation that it is needed to protect funds, human subjects, or equipment.
9. The formal investigation will be completed within 90 calendar days, or, whenever more time is needed, the reasons for the additional time will be provided in writing to the parties involved.

Responsibilities of the Misconduct Investigation Committee. During the conduct of the investigation the Committee will act as follows:

1. Documents relevant to the investigation will be collected and reviewed. Such documents may include, but are not necessarily limited to: proposals, research data, publications, correspondence, records of funds, records of telephone calls.
2. Individuals against whom allegations are made will be interviewed, as well as those bringing the allegations. Other individuals who may further the purposes of

the investigation will be interviewed. Summaries of the interviews will be prepared and presented to those interviewed for verification, comment or revision. The final summaries will become part of the documentation of the investigation.

3. The Committee will seek additional appropriate information that may advance the purposes of the investigation.
4. The Committee may consult when appropriate with disinterested expert(s) either within or outside the institution.
5. All information pertinent to the investigation will be documented and made available to appropriate officials of sponsoring agencies when requested.
6. The Committee will prepare and present a written report to the Provost, including a summary of the investigation, findings, and recommendations for further action.

C. Findings

Upon conclusion of the investigation, the Provost or his/her designee will:

1. Submit a report, containing the following components, to the President:
 - a. A statement of the allegation(s).
 - b. A statement of the findings.
 - c. An account of the evidence or lack of evidence of misconduct.
 - d. An estimation of the seriousness of any misconduct found.
 - e. Recommendation for further action.
2. Submit a copy of the report to the accused for rebuttal.
3. Include any written rebuttals as an addenda to the report.

D. Disposition

If the investigation of allegations results in no finding of misconduct and no disciplinary action is to be taken, then the institution should continue to protect the reputation of the individual(s) accused of having engaged in misconduct. Concerted efforts should also be undertaken by the institution to protect the integrity and reputation of individual(s) who, in good faith, made allegations. If allegations are found in the course of the investigation to have been falsely made or maliciously motivated, then disciplinary action may be taken against those responsible.

In cases where wrongdoing is sustained, the Provost will recommend to the President disciplinary action appropriate to the nature and severity of the misconduct.

The President will make a final determination, based on the report and the rebuttal (if one is submitted), of actions to be taken and notify all parties concerned, including the Research Foundation and the awarding agency if sponsored research was involved.

If charges of misconduct are confirmed by the investigation, the College will take appropriate action in accordance with Article 19 of the Agreement between the State of New York and United University Professions. A faculty or staff member who is the subject of investigation has the right to representation by counsel if he or she chooses. A person accused of misconduct has the right to representation by counsel in institutional proceedings, however, only after formal disciplinary charges have been filed in accordance with Section 19.8 of the Agreement between State of New York and the United University Professions.

Consideration will also be given to formal notification of other concerned parties, not previously notified, such as:

- Sponsoring agencies or funding sources
- Co-authors, co-investigators, collaborators
- Editors of journals in which fraudulent research was published
- State professional licensing boards
- Editors of journals or other publications, other institutions, sponsoring agencies, and funding sources with which the individual has been affiliated
- Professional societies
- Where appropriate, criminal authorities

Note: These policies are based on and draw freely on the language and contents of the following:

Framework for Institutional Policies and Procedures to Deal With Fraud in Research; 1988; published jointly by the Association of American Universities, National Association of State Universities and Land-Grant Colleges, and the Council of Graduate Schools.

“Policies and Procedures for Dealing with Possible Misconduct in Science.” Vol. 15, No. 11, July 18, 1986. NIH Guide for Grants and Contracts.

“Guidelines for the Investigation of Research Misconduct by the Faculty and Staff.” SUNY Health Science Center at Syracuse.

“Responsibilities of Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science.” Federal Register. Vol. 54, No. 151, August 8, 1989.

“Policy on Scientific Misconduct.” SUNY College at Plattsburgh.

“Guidelines on Scientific Misconduct.” SUNY College at Buffalo.