

Policies and Procedures for the Handling of Allegations of Academic or Research Fraud and Serious Misconduct at St. Cloud State University

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I. INTRODUCTION

Fraud in the conduct of research undermines the scientific enterprise and erodes the public trust in the university community to conduct research and communicate results using the highest standards and ethical practices. The Institution (SCSU) is responsible both for promoting academic practices that prevent misconduct and for developing policies and procedures for dealing with allegations of fraud or serious misconduct. All members of the institution's community -- students, staff, faculty and administrators -- share responsibility for developing and maintaining standards to ensure the ethical conduct of research as well as the detection and appropriate handling of abuse of these standards. This responsibility must be assumed while sustaining the openness and creativity vital to the research enterprise.

The policies and procedures outlined below apply to faculty, staff, and graduate students. They are not intended to address all academic issues of an ethical nature. For example, the conduct of students in examinations, discrimination and affirmative action issues as well as other areas are covered by other institutional policies. Disciplinary actions, if any, also may involve other existing policies and procedures.

II. DEFINITION OF ACADEMIC MISCONDUCT

Academic misconduct involves some form of fraudulent behavior that entails an act of deception whereby one's work or the work of others is misrepresented. Fraud is distinguished from honest error and from ambiguities of interpretation that are inherent in the scientific process. Further, fraud or serious misconduct involves significant breaches of research integrity that may take numerous forms such as, but not limited to, those outlined below:

- **Falsification of Data and Other Forms of Falsification.** Falsification ranges from fabrication to deceptive selective reporting of findings and omission of conflicting data. Falsification or fabrication is also applied to credentials, to claimed publications, letters of recommendation, and collaborations as well as to proposing, conducting, and reporting research.
- **Improprieties of Authorship** Improprieties of authorship include plagiarism as well as other improper assignment of credit such as excluding others or claiming the work of another as one's own; presenting the same material as original in more than one publication; including individuals as authors who have not made a definite contribution to the work published, and submitting of multi-authored publications without the concurrence of all authors.
- **Misappropriation of Others' Ideas** Misappropriation of the ideas of others occurs with the improper use of information or influence gained by privileged access, such as service on peer review panels, editorial boards, and policy boards of research funding organizations.
- **Violation of Generally Accepted Research Practices** Improper manipulation of experiments to obtain biased results or improper statistical or analytical manipulations constitute violation of generally accepted research practices.
- **Violation of Federal, State, or Institutional Rules Governing Research** Violation of Federal, State, or Institutional Rules Governing Research might include, but not be limited to, violations regarding use of funds, care of animals, human subjects, investigational drugs, DNA, new devices, and radioactive, biological, or chemical materials.
- **Inappropriate Behavior in Relation to Misconduct.** Inappropriate Behavior in Relation to Misconduct includes inappropriate accusation of misconduct; failure to report known or suspected misconduct; withholding or destruction of information relevant to a claim of misconduct, and retaliation against persons involved in the allegation or investigation of misconduct.

III. PROCESS FOR HANDLING ALLEGATIONS OF FRAUD/SERIOUS MISCONDUCT

The Institution must pursue any complaint about questionable academic conduct that might raise legitimate suspicion of fraudulent research or serious academic misconduct. In the inquiry and investigation that may follow, the Institution shall focus on the substance of the issues and be guided by the following imperatives:

- The process pursued to resolve allegations of fraud must not damage science itself.
- The Institution shall provide vigorous leadership in the pursuit and resolution of all charges.
- All parties shall be treated with justice and fairness and with sensitivity to the reputations and vulnerabilities of all parties.
- The procedures must preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
- The integrity of the process must be maintained by painstaking avoidance of real or apparent conflict of interest.
- The procedures shall be as expeditious as possible.
- The pertinent facts at each stage of the response shall be documented.
- The Institution shall recognize and discharge its responsibility after resolving allegations of fraud, internally, to all involved individuals, and, externally, to the public, the sponsors of research, the scientific literature, and the scientific community.

A. Report of Allegations

All allegations should be reported to the dean of the appropriate college. If the dean has a conflict of interest, the allegations should be referred to the Assistant Vice President for Research (or the Chief Research Administrator at the Institution).

The dean shall informally review any allegation of fraud, confer with an Assistant Vice President for Research (or the Chief Research Administrator at the Institution), and determine whether the allegation is appropriately addressed through Policies and Procedures for the Handling of Academic or Research Misconduct or Fraud. The dean will counsel the individual(s) as to the policies and procedures to be used. If the reporting individual chooses not to make a formal allegation but the dean believes an inquiry is warranted, the matter shall be pursued.

Even if the respondent leaves the Institution before the case is resolved, the Institution will pursue an allegation of misconduct to its conclusion.

B. Inquiry

1. The first step of the review process is an inquiry, which has as its purpose fact finding in an expeditious manner to determine whether an allegation is deserving of further formal investigation and, if formal investigation is not warranted, to make recommendations concerning the disposition of the case.
2. During the course of the inquiry, immediate notification is provided to the Office of Research Integrity if:
 - a. There is an immediate health hazard involved.
 - b. There is an immediate need to protect the Federal funds or equipment,
 - c. There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as co-investigators and associates, if any,
 - d. It is probable that the alleged incident is going to be reported publicly,
 - e. The allegation involves a public health sensitive issue, e.g. a clinical trial,
 - f. There is a reasonable indication of possible Federal criminal violation. In this instance, notification must take place within 24 hours of obtaining that information.
3. During the course of the inquiry, interim administrative action prior to the conclusion of the inquiry may be taken, as appropriate, to protect Federal funds and the public health and to ensure that the purposes of the Federal financial assistance are carried out.
4. A Committee of Inquiry composed of unbiased tenured faculty with no real or apparent conflict of interest, with no appointment in the departments of either the complainant or the

- respondent, and with appropriate expertise for evaluating the information relevant to the case shall be appointed by the dean within 15 days of the receipt of the allegation.
5. The dean is responsible for notifying the respondent of the charges and of the procedures that will be used to examine the charges. The respondent will be informed of the proposed membership of the Committee of Inquiry for the purpose of identifying in advance any real or potential conflict of interest.
 6. Where complainant seeks anonymity, the Committee of Inquiry shall operate in such a way as to maintain that anonymity to the degree compatible with accomplishing the fact-finding purpose of the inquiry. Such anonymity cannot, however, be assured. Further anonymity of the complainant is neither desirable nor appropriate where the testimony or witness of the complainant is important to the substantiation of the allegations.
 7. Information, expert opinions, records, and other pertinent data may be requested by the Committee. The respondent and all involved individuals are obliged to cooperate with the Committee of Inquiry by supplying such requested documents and information. Uncooperative behavior is unacceptable and may result in immediate implementation of a formal investigation or other institutional sanctions.
 8. Timely access to copies of all documents reviewed by the Committee will be assured to all parties. All material will be assured to all parties. All material will be considered confidential and shared only with those with a right to know. The dean and the members of the Committee of Inquiry are responsible for the security of relevant documents. Copies of all documents and related communications are to be securely maintained in the office of the senior administrator.
 9. All parties have the right to the assistance of legal counsel; however, as the inquiry is informal and intended to be expeditious, principal parties are generally expected to speak for themselves.
 10. All parties to the case, including the members of the Committee of Inquiry, shall have the opportunity to present evidence, to call witnesses, and to examine or cross-examine them.
 11. The Committee of Inquiry shall arrive at a judgment as expeditiously as possible. The inquiry phase should generally be completed, and a written report filed, within 60 days of receipt of an allegation. A written report will be prepared that lists what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The individual(s) against whom the allegation was made shall be given a copy of the report of inquiry. If the accused individual(s) comment on the report, the comments may be made part of the record. If the 60 day deadline cannot be met, a request for an extension and a report of reasons and progress to date, together with an anticipated time frame, should be filed with the dean and all involved individuals should be informed.
 12. If any inquiry is terminated before completing all steps or requirements, a report of such planned termination including a description of the reasons for the termination shall be made to the Office of Research Integrity.
 13. The outcome of the Committee of Inquiry will be conveyed in writing to the dean, who will be responsible for communication of the findings to the respondent.
 14. If the outcome of the inquiry indicates a need for formal investigation, the funding source, if any, also shall be notified that an investigation is being undertaken by the Chief Institutional Research Officer.
 15. If a Committee of Inquiry concludes that a formal investigation is either unwarranted or unnecessary, it may make recommendations appropriate to its findings and the appropriate disposition thereof. Situations in which a major sanction could be imposed must be referred for full investigation to assure that the full extent of misconduct (including current allegations as well as examination of past work if indicated) has been identified and to assure full access to due process for all parties prior to the invoking of penalties. (Such major sanctions requiring the recommendation of a full investigation committee include, but are not limited to, termination or suspension of employment, or financial restitution to the institution or sponsors.)
 16. If the inquiry outcome does not find misconduct, all involved parties shall be so notified by the dean and efforts will be made to be sure that individuals are cleared of unsupported allegations. If the Committee finds the allegations to be unjust and malicious, sanctions may be recommended against the complainant.
 17. Records of the inquiry are confidential and are to be passed on to a Committee of Investigation if formal review is initiated.

18. Immediately and during the course of all inquiries and subsequent investigations of allegations of misconduct, the Institution will make diligent efforts to protect the positions and reputations of those persons who, in good faith, bring forward allegations of scientific or academic misconduct.

C. Investigation

1. Within 30 days of the reporting by a Committee of Inquiry about the need for an investigation, the dean shall appoint a Committee of Investigation of senior faculty who are without conflict of interest, hold no appointment in the departments of either the complainant or the respondent, and have appropriate expertise for evaluating the information relevant to the case. At least one member shall not be associated with the institution.
2. The purpose of the Committee of Investigation is to explore further the allegation and determine whether fraud or serious misconduct has been committed and the extent of the malfeasance. As in the inquiry phase, the Committee may request documents, receive evidence, and call and hear witnesses. Additional hearings may be held and the Committee may request the involvement of outside experts. The investigation must be sufficiently thorough to permit the Committee to reach a firm decision about the validity of the allegation(s) and the scope of the wrongdoing or to be sure that further investigation could not alter an inconclusive result. In the course of an investigation, additional information may emerge that may justify broadening the scope of the investigation beyond the initial allegations. Should this occur, the respondent is to be informed in writing of any such significant new directions in the investigation. In addition to making a judgment about the veracity of the charges, the Committee of Investigation should recommend to the dean appropriate sanctions, if warranted.
3. During the course of the investigation, immediate notification is provided to the Office of Research Integrity if new information indicates that:
 - a. There is an immediate health hazard involved, b. There is an immediate need to protect Federal funds or equipment, c. There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who are the subject of the allegations as well as any co-investigators or associates, d. It is probable that the alleged incident is going to be reported publicly, e. The allegation involves a public health sensitive issue, e.g. a clinical trial, f. There is reasonable indication of a possible Federal criminal violation. In this instance, notification must take place within 24 hours of obtaining that information.
4. As the Institution is responsible for protecting the health and safety of research subjects, patients, students and staff, interim administrative action prior to conclusion of either the inquiry or the investigation may be indicated. Such action ranging from slight restrictions to complete suspension of the respondent and notification of external sponsors shall be initiated by the dean in consultation with the Chief Research Officer of the Institution.
5. All parties in the investigation are obliged to cooperate in timely fashion by producing any additional data requested for the investigation. Copies of all materials secured by the Committee shall be provided to the respondent and other concerned parties as judged appropriate by the Committee.
6. The respondent shall have an opportunity to address the charges and evidence in detail. The respondent may be accompanied by and confer with legal counsel at hearings but is expected to speak for him/herself.
7. Hearings are confidential and may be declared closed by request of any of the principals. Written notification of hearing dates and copies of all relevant documents will be provided by the dean's office in advance of scheduled meetings. A record of the proceedings will be made, and a transcript prepared upon request and made available to involved parties.
8. After all evidence has been received and hearings completed, the Committee of Investigation shall meet in closed sessions to deliberate and prepare its findings and recommendations.
9. All significant developments during the investigation as well as the findings and recommendations of the Committee will be reported by the dean to the research sponsor.

10. If an investigation is terminated before completing all the steps or requirements, a report of such planned termination including a description of the reasons for the termination shall be made to the Office of Research Integrity.
11. Every effort should be made to complete the investigation within 120 days; however, it is acknowledged that some cases may render this time period requirement difficult to meet. In such cases, the Committee of Investigation should compile and submit a progress report, identify reasons for the delay, and request an extension from the dean.
12. If the investigation and the final report cannot be completed within 120 days, the Institution will submit a written request for an extension to the Office of Research Integrity, including an explanation for the delay, a report about the progress to date and an outline of what remains to be done with an estimate for the date of completion of the report.
13. Upon completion of the investigation, the Committee will submit to the dean a full report that details the Committee's findings and recommendations. This report should also be sent to the respondent by the dean. The respondent may comment in writing about the report.
14. The final report will also be submitted to the Office of Research Integrity and will include a description of 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 of an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of any sanctions taken by the institution.
15. When the respondent is notified of the Committee's findings and the dean's decision regarding application of sanctions, the respondent should also be informed of the appeals process, if appropriate. If sanctions involve a recommendation of termination of employment, the institution's academic termination procedures will be invoked.

D. Resolution

1. Absence of Fraud or Serious Misconduct. All research sponsors and others initially informed of the investigation should be informed in writing that allegations of fraud were not supported. If the allegations are deemed to have been maliciously motivated, appropriate disciplinary actions should be taken against the complainant. If the allegations, however incorrect, are deemed to have been made in good faith, no disciplinary measures are indicated and efforts should be made to prevent retaliatory actions. In publicizing the finding of no fraud, the Institution should be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been lost. Usually, such decisions should rest with the person who was innocently accused.
2. Presence of Fraud or Serious Misconduct. The dean is responsible for notification of all Federal agencies, sponsors, or other entities initially informed about the investigation of the finding of fraud. The dean shall consider the recommendations of the Committee and shall be responsible for determining and implementing sanctions as appropriate. The Institution must take action appropriate for the seriousness of the misconduct, including, but not limited to, the following:
 - a. Notification: Consideration should be given to formal notification of involved parties such as:
 - sponsoring agencies, funding courses;
 - 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; and
 - professional societies.
 - b. Institutional disciplinary action, including:
 - removal from the particular project;
 - special monitoring of future work;
 - letter of reprimand;
 - probation for a specified period with conditions specified;

- suspension of rights and responsibilities for a specified period, with or without salary;
 - termination of employment.
3. Appeal. Individuals may appeal the judgment of the Committee of Investigation and/or the sanction. A written statement of the grounds for the appeal must be submitted to the President of the Institution within 30 days of written notification of the results of the investigation. Grounds for appeal include, but are not limited to, new, previously unconsidered evidence, sanctions not in keeping with the findings, conflict of interest not previously known among those involved in the investigation, and other lapses in due process. Upon receipt of a written appeal, the President will evaluate the evidence and make a determination. S/he may, at her/his discretion, reopen the investigation. The President's decision will be binding on all parties and will be conveyed to all involved in a timely fashion. In the case of termination, the President's decision may be appealed to the Institution's Board of Review. All evidence, as well as the record of the proceedings, will be made available to that Board.

E. Maintenance of Records

The dean is responsible for submitting detailed records of both inquiries and investigations to the Assistant Vice President for Research (or the Chief Research Administrator at the Institution). Records shall include minutes, correspondence, and testimony relative to the allegation, inquiry, and investigation. The information will be maintained on file for a minimum of three years.