

POLICY AND PROCEDURES FOR RESPONDING TO ALLEGATIONS OF SCIENTIFIC OR OTHER MISCONDUCT IN FUNDED RESEARCH

Claflin University (CU) is committed to maintaining truth in its research, creative and sponsored programs activities. This policy applies to all administrators, faculty, staff and students in the performance of scholarly and creative activity and research conducted at CU whether performed under external or internal funding.

This policy is not meant to restrain academic research or other sponsored programs in any way; but rather to ensure the integrity and the highest standards of ethical behavior on the part of every member of the University Family. It meets the certification and requirement guidelines of Section 493 of the Public Health Service (PHS) Act as well as other Federal and State agencies and private foundations.

Misconduct in research, scholarly, creative, or sponsored activities is prohibited at the university, and all allegations of such misconduct will be investigated thoroughly and resolved promptly.

Definitions

Research misconduct is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- *Fabrication* is making up data or results and recording or reporting them.
- *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.
- *ORI* means Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Service.
- *PHS* means the U.S. Public Health Service, a component of the DHHS
- *PHS regulation* means the Public Health Service regulation established standards for institutional inquiries and investigations into allegations of scientific misconduct, which is set forth at 42 C.F.R. Part 50, Subpart A, entitled "Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science".
- *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.
- *Respondent* means the person(s) against whom an allegation of scientific misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- *Whistleblower* means a person who makes an allegation of scientific misconduct.

Allegations of Misconduct

All University family members are encouraged to report research or other sponsored programs misconduct if and when they believe sufficient and substantive evidence exists. No individual will be subjected to personal and institutional reprisals when they, in good faith, report alleged misconduct. Such persons will be protected, to the maximum extent possible.

Information about charges of alleged misconduct in research will only be disclosed to the appropriate CU and federal or state authorities or as otherwise required by law.

Individuals must be advised in writing in a timely fashion of the nature of an allegation when he/she has an allegation related to research misconduct directed at them. The individual must be afforded confidential treatment to the extent possible and a prompt and thorough investigation consistent with any applicable collective bargaining agreement, or other university policies and procedures. The individual shall have the right to have a representative of the group present when the individual meets with the representatives of CU or any inquiry or investigative bodies in connection with the allegation made.

The Associate Vice Provost for Research and Vice Provost for Research are responsible for coordinating and implementing this policy, disseminating this policy to all faculty and to others involved in research or creative endeavors, maintaining all documents and records relating to this policy, and obtaining and keeping current any and all assurances of compliance with Federal and state regulations pertaining to misconduct.

Protection of the Whistleblower and the Responder

CU will protect the privacy of those who report misconduct in good faith to the maximum extent possible. If requested by the whistleblower, his/her anonymity will be honored by the institution during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any. The whistleblower will be advised that if the matter is referred to an investigation committee and the whistleblower's testimony is required, anonymity may no longer be guaranteed. Institutions are required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

The respondent will be treated fairly in the inquiry or investigation and confidentiality maintained to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation.

Handling Allegations of Misconduct

Initiation of an Inquiry

The purpose of an inquiry is to separate allegations deserving further investigation from frivolous, unjustified or clearly mistaken allegations.

An allegation of misconduct must be submitted in writing to the Associate Vice Provost for Research and Vice Provost for Research. The allegation should be signed and delivered. The person making the allegation must agree to support it if requested before University officials and any committees that may be appointed under these procedures.

The Associate Vice Provost for Research and Vice Provost for Research will immediately assess the allegation to determine if there is sufficient evidence to warrant an inquiry, and whether the allegation falls under the definition of scientific misconduct.

Conducting the Inquiry

The Inquiry is the stage of the review process where factual information is gathered and reviewed to determine if an investigation of the allegation is warranted. An inquiry is not a formal investigation. The Associate Vice Provost for Research and Vice Provost for Research, along with the supervisor, or their designees, will conduct an inquiry regarding the allegation to determine whether an investigation is warranted. The Associate Vice Provost for Research and Vice Provost for Research will work together to prepare a written report at the conclusion of the inquiry providing a description of the evidence reviewed, a list and summary of interviews, and a recommendation as to whether an investigation is warranted. The individual against whom the allegation is made shall be given a copy of the report. He/she may respond to the report and the response shall become a part of the inquiry report.

The inquiry stage shall be completed within 90 days unless circumstances clearly warrant a longer period. If the inquiry takes longer than 90 days, the written inquiry report shall include documentation of the reasons for the extended time.

The affected individual will be given copies of written documents (if any) that support the allegations.

Investigating the Allegation

If, following the inquiry, the Associate Vice Provost for Research and Vice Provost for Research determines that the allegation falls within the definition of Scientific Misconduct and is substantial enough to allow specific follow-up, he/she should promptly convene an Inquiry Committee to initiate a full investigation/hearing. During the inquiry and investigative stages, CU will fully comply with all applicable federal and state regulations governing allegations of scientific misconduct.

Within thirty (30) days after the issuance of a report by the Inquiry Committee concluding that a Formal Investigation of the Allegations of possible Scientific Misconduct is warranted, a three (3) member Research Investigation Hearing Committee shall be convened by the Associate Vice Provost for Research and Vice Provost for Research. This Committee must be composed of members who have the appropriate expertise to carry out a thorough search for and an authoritative evaluation of the relevant evidence. The committee may include members or consultants from outside the university committee having appropriate substantive expertise if such expertise is not present within the university community or if a conflict of interest could arise from appointing a member of the university community to evaluate the evidence.

The Respondent (s) shall be given at least seven (7) days advance notice of the date or dates on which the hearing shall be conducted. The committee will examine all documentation and will provide the Respondent (s) with the opportunity to present evidence and testimony in defense of the allegations.

The Investigation will be concluded within one hundred twenty (120) days of the appointment of the Investigation Hearing Committee. The committee shall prepare the final report, make the report available for comment by the subject of the Investigation and submit the report to ORI within 120 days. If the committee cannot complete its report within 120 days of its initiation and the report of possible Scientific Misconduct involves a Research project that is funded by the PHS, the Committee must submit a written request to the Office of Research Integrity (ORI) for an extension, which shall include an explanation for the delay, an interim report on the progress of the Formal Investigation and an indication of the additional steps which must be taken and the amount of additional time which will be required to complete the Formal Investigation and issue a report. A copy of any such request shall be initiated by the Sponsored Programs Office.

The Formal Investigation Report shall be strictly confidential and must include the policies and procedures under which the investigation was conducted, describe how and from whom information was obtained, state the findings, explain the basis for the findings, include either the actual text or an accurate summary of the position of each person whom the Investigation Hearing Committee concludes has engaged in Scientific Misconduct, as well as whether any sanctions have or may be imposed by the University. Records of the proceedings shall be maintained by the Formal Investigation Committee for no less than five (5) years following the termination of the Formal Investigation.

Complainants and Respondents must respond to the final report, if he/she wishes, in writing to the Investigation Committee within fourteen (14) days following the issuance of the final report.

Institutional Actions

- A. If the investigation does not confirm the alleged unethical scientific practices:

The Associate Vice Provost for Research and Vice Provost for Research must take appropriate action to ensure that the reputation of the respondent(s) is cleared of suspicion.

Other interested parties such as collaborators, supervisors and agencies sponsoring or funding the research, must be notified that the respondent(s) was absolved of wrong doing by the investigation.

The respondent must be given the opportunity of having a written notice of clearance sent to the relevant members of the faculty from the Research Investigative Hearing Committee.

- B. If the investigation confirms the alleged unethical scientific practice:

The actions may include:

Withdrawal or correction of all pending or published abstracts and papers emanating from the research where scientific misconduct was found.

Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment, restitution of funds as appropriate.

- C. Allegations Not Made in Good Faith

Associate Vice Provost for Research and Vice Provost for Research will determine whether the whistleblower's allegations of scientific misconduct were made in good faith. If an allegation was not made in good faith, the Associate Vice Provost for Research and Vice Provost for Research will determine whether any administrative action should be taken against the whistleblower.

References: NIH, A Guide to the Handling of Scientific Misconduct Allegations in the Intramural Research Program, May 2001—Prepared by the NIH Committee on Scientific Conduct and Ethics

Association of American Universities, National Association of State Universities and Land Grant Colleges and Council of Graduate Schools. Framework for Institutional Policies and Policies to Deal with Fraud in Research. Washington, DC: 1988

*Title 42 Code of Federal Regulations, Part 50, Subpart A –
Responsibility of Public Health Services Awardee and Applicant
Institutions for Dealing with and Reporting Possible Misconduct in
Science.*

Department of Health and Human Services, Office of Research
Integrity – Model Policy and Procedures for Responding to
Allegations of Scientific Misconduct;
<http://ori.dhhs.gov/models.htm>.