



## **Policy Governing Misconduct in Research**

*Approved by the Savannah State University Cabinet August 10, 2009*

### **Introduction**

Research is an integral and essential component of Savannah State University's education mission, and includes the creation of new knowledge through research, applying that knowledge in teaching, and public service, preserving that knowledge in the University's libraries, databases and journals, and transferring that knowledge to future generations through teaching and publications.

The pursuit, preservation and transferring of new knowledge must express the highest integrity of science ethics and reflect the character and integrity of an institution and its faculty and students. Misconduct in research and scholarly activities threatens this and will not be tolerated at Savannah State University.

SSU hereby establishes its revised and unified policies and procedures to address the issues of misconduct in research and scholarly activities as part of fostering an environment that promotes the responsible conduct of, and training in, research and scholarly activities, and to discourage such misconduct.

This document is published by Savannah State University to meet certain regulatory requirements, including, but not limited to, this should be 42 CFR Sec. 93.100, et seq., related to receipt of Public Health Service (PHS) and/or Department of Health and Human Services (DHHS) funds to be used for research purposes. This document also is intended for use as guidance with respect to allegations of misconduct in research and other scholarly activities and related investigations of such allegations, REGARDLESS OF FUNDING SOURCE.

The Vice President for Academic Affairs shall have primary responsibility for implementation of, compliance with and enforcement of this Policy. The Vice President for Academic Affairs or designee will:

1. make necessary certifications and assurances regarding this Policy to external sponsors,
2. upon the request of anybody conducting an inquiry, take all reasonable and practical efforts to obtain custody of all the research or scholarly activities records and evidence needed to conduct the Misconduct in Research and Scholarly Activities proceeding.
3. communicate with external sponsors and other relevant parties regarding misconduct in research and scholarly activity proceedings as required or permitted by law, regulation, or contract, including, but not limited to, notification to sponsors of the opening of an Investigation, admissions or findings of guilt or culpability, or settlement upon agreement of parties.
4. take appropriate interim action for the University to protect human or animal research subjects, external sponsors' funds and equipment, and the integrity of the university research process;
5. retain all relevant records related to misconduct in research in a secure manner;
6. monitor amendments to federal regulations with respect to this policy.

# **1. Definitions**

## **Administrative Unit Head**

Administrative unit head means the person charged with the responsibility of supervising or directing a unit within the University. The administrative unit head may be, for example, the supervisor of a group, the director of a division, a department chair, a dean or a vice president.

## **Allegation**

Allegation means a disclosure, charge or claim of possible misconduct in research or scholarly activities conveyed through any means of communication. The disclosure, charge or claim may be by written or oral statement or other communication to an institutional official.

## **Committee**

Committee means any University body or group involved in the conduct of misconduct in research and scholarly activities proceeding, including an administrative unit head, a Panel of Inquiry, an Investigative Panel, or Misconduct In Research and Scholarly Activities Appeal Panel reasonably qualified by practice and experience to conduct research misconduct proceedings.

## **Complainant**

Complainant means a person who in good faith makes an allegation of misconduct in research or scholarly activities.

## **Evidence**

Evidence means any document, tangible or intangible item or other matter having evidentiary value or testimony offered or obtained during misconduct in research and scholarly activities proceeding that tends to prove or disprove the existence of an alleged fact.

## **Good Faith**

Good faith means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have based on the information known to the complainant or witness at the time. Making an allegation of misconduct or participation in misconduct in research and scholarly activities proceeding is not undertaken in good faith if done with knowing or reckless disregard for information that would negate the allegation or testimony.

## **Inquiry**

Inquiry means a preliminary Information-gathering and preliminary fact-finding process to determine whether an allegation or apparent Instance of misconduct in research and scholarly activities has substance and if a formal investigation is warranted. Such inquiry shall meet the criteria and follow the procedures set out in this document as well as any specific requirements imposed by any individual funding agency.

## **Investigation**

Investigation means the formal development of a factual record and the examination of that record leading to a decision either to make a finding of misconduct in research and scholarly activities or not to make a recommendation for a finding of misconduct in research and scholarly activities or to invoke or implement other appropriate remedies, including administrative actions. Such investigation shall meet the criteria and

follow the procedures set out in this document as well as any specific requirements imposed by any individual funding agency.

### **Misconduct in Research and or Scholarly Activities**

Misconduct in research and scholarly activities means fabrication, falsification, plagiarism material embellishment or other similar activity in proposing, performing, or reviewing research, or in reporting research and scholarly activity results.

- a. Fabrication is making up data or results and recording or reporting them.
- b. Falsification is manipulating research or scholarly activity materials, equipment, or processes, or changing or omitting data or results such that the research for scholarly activity is not accurately represented in the record.
- c. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate attribution or credit.
- d. Misconduct in research and scholarly activities does not include honest error or differences of opinion.

### **Misconduct in Research and or Scholarly Activities Proceeding**

Misconduct in research and scholarly activities proceeding means any action related to an allegation of misconduct in research and scholarly activities undertaken pursuant to this Policy, including but not limited to, allegation assessments, inquiries, and investigations, and cooperation with external sponsor oversight reviews, hearings, and administrative appeals required or permitted by law, regulation, or contract.

### **Preponderance of the Evidence**

Preponderance of the evidence means proof by Information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

### **Research**

Research means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research).

### **Research or Scholarly Activities Record**

Research or scholarly activities record means the record of research data or results that embody the facts resulting from scientific or scholarly inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal or external reports, journal articles, cvs, resume's, and any documents and materials provided to an institutional official or a funding sponsor by a respondent in response to questions about the research at Issue.

### **Person**

Person means any individual, corporation, partnership, institution, association, unit of government or other legal entity, however organized.

### **Respondent**

Respondent means the person against whom an allegation of misconduct In research and scholarly activities is directed or who is the subject of misconduct In research and scholarly activities proceeding.

## **Retaliation**

Retaliation means an adverse action taken against a complainant, witness, or committee member by the University or one of its members in response to

- (a) A good faith allegation of misconduct in research and scholarly activities; or
- (b) Good faith cooperation with misconduct in research and scholarly activities proceeding.

## **University Member**

University member means any person engaged or participating in University sponsored research or scholarly activity including the following: a full- or part-time faculty member, whether paid or volunteer, official, classified employee, administrative staff member, student assistant, student, fellow or trainee, visiting faculty member or researcher, volunteer, or, when covered by a sponsored program agreement or other contractual arrangement, a contractor, subcontractor or sub awardee, or their respective employees.

## **II. Research Integrity Officer**

Each Vice President for Academic Affairs shall appoint a Research Integrity Officer who will be charged with consulting confidentially with any Individual who comes forward with questions regarding integrity of or misconduct in research and scholarly activities. The Research Integrity Officer will be involved in problem analysis and problem solving in research misconduct issues whether they emanate from the complainant or the respondent. The Research Integrity Officer (or her/his designee if s/he is unable or unavailable to serve) may serve in an ex officio capacity during all phases of the misconduct process and will provide timely reports to the Vice President for Academic Affairs from the time an allegation is made until its final resolution. A Research Integrity Officer (or his/her designee) not involved in the initial disclosure or participating directly in an ex officio capacity shall act as the presenter of evidence throughout the misconduct process in presenting evidence in support of the claim of misconduct in research and scholarly activities.

## **III. Institutional Responsibilities**

**A. Conduct of prompt and appropriate investigation:** The University will respond promptly to each allegation or other evidence of misconduct in research and scholarly activities in a thorough, competent, objective, fair, impartial, unbiased, and timely manner. It will provide for the participation of persons, with appropriate scientific expertise, who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation. The University will take all reasonable and practical steps to ensure the cooperation of respondent(s) and other University members with misconduct in research and scholarly activities proceedings, including, but not limited to, providing information, research or scholarly activities records, and evidence.

**B. Obtain custody of research records:** The University, through the Office of the Vice President for Academic Affairs and the Research Integrity Officer, and on behalf of any committee or body conducting an inquiry, investigation, or appeal of misconduct in research and scholarly activities proceeding, shall promptly take all reasonable and practical efforts to obtain custody of all the research or scholarly activities records and evidence needed to conduct a misconduct in research and scholarly activities proceeding, including additional research or scholarly activities records or evidence that are discovered during the course of a misconduct in research and scholarly activities proceeding. The records and evidence shall be inventoried and sequestered in a secure manner. The respondent shall be provided copies of or reasonable, supervised access to the research or scholarly activities records. The research or scholarly activities records and evidence for external sponsors shall be retained as required or permitted by law, regulation, or contract.

**C. Assure Confidentiality:** The University will afford confidentiality, to the extent reasonably possible and allowed by law, to all respondents, complainants, and research subjects identified or identifiable from research or scholarly activities records or evidence by limiting, to the extent possible, disclosure of the identity of respondents and complainants in misconduct in research and scholarly activities proceedings to those who need to know, consistent with a thorough, competent, objective and fair misconduct in research and scholarly activities proceeding, subject to legal requirements and, if applicable, sponsor regulations. Except as may otherwise be prescribed or required by applicable law or regulation, similar confidentiality must be maintained for any records or evidence from which research subjects might be identified.

**D. Notify funding agencies:** The University through the Vice President for Academic Affairs will promptly notify the appropriate funding agency and/or regulatory body at any time during a misconduct in research and scholarly activities proceeding if it has reason to believe that any of the following conditions exist: (1) the health and safety of the public is at risk, including an immediate need to protect human or animal subjects; (2) public funds, resources or interests are threatened; (3) research activities should be suspended; (4) there is reasonable indication of possible violation of civil or criminal law; (5) the institution believes that the research misconduct proceedings may be made public prematurely (so that the funding agency may take appropriate steps to safeguard evidence and protect the rights of those involved); (6) there exist other reasons that the University determines that the research community or public should be informed.

**E. Protect those potentially at risk:** Should the health and safety of the public at large, any member of the University community, individual research subjects (animals or humans), or any patients be deemed to be at risk as a result of allegations of research or scholarly activities misconduct, the appropriate department chair and dean or director, in consultation with the Vice President for Research, may choose to take interim administrative action to fully protect those deemed to be potentially at risk. Such administrative actions should be consistent with existing University policies and practices and should include, but not be limited to, actions ranging from specific restrictions of research and scholarly activities to suspension of the activities of the respondent. Should regulations related to any external funding so require that funding agency will be notified of such administrative action.

**F. Apply appropriate evidentiary standards:** A finding of misconduct in research and scholarly activities requires that a significant departure from accepted practices of the relevant research community has been established by a preponderance of the evidence and that such departure has been committed intentionally, knowingly or with reckless disregard.

**G. Protect reputation of respondents and complainants:** The University will undertake reasonable and practical efforts, if requested and as appropriate, to protect or restore the reputation of persons alleged to have engaged in misconduct in research and scholarly activities but against whom no finding of misconduct in research and scholarly activities is made. The University similarly will undertake to protect or restore the position and reputation of any complainant, witness, or committee member, and to protect such complainants, witnesses, and committee members from potential or actual retaliation.

#### **IV. Allegations Phase**

**A. Reporting:** An allegation of misconduct in research or scholarly activities shall be made by any complainant to any University official, including, but not limited to, a Research Integrity Officer. The official to whom such a complaint has been made shall within ten (10) days report it in confidence to either the departmental chair or the dean or director of the school, college or other administrative unit head in which the respondent holds an appointment, is a student, fellow, or trainee, or to which the respondent is assigned for supervision, and shall also report it to the Vice President for Academic Affairs. If the respondent is a member of the faculty, allegations shall be reported to the chair of the respondent's department. If the respondent is the reporting individual's chair, allegations shall be reported to the dean of the department's school. If the respondent is a dean or director, the allegation shall

be reported to the appropriate vice president. The allegation may be made orally or in writing and must include the name(s) of the suspected respondent(s), and must include reference to the evidence that supports the allegation. Such evidence should be attached to the complaint if practical.

**B. Allegations against students:** Allegations against student respondents of misconduct in research and scholarly activities which are or were undertaken as a part of a classroom activity shall be referred to the appropriate Honor Code official (Vice President for Student Affairs). Unless the misconduct is determined to be solely a part of student classroom academic activity, referral to the Honor Code official does not remove the allegation from the purview of this Policy.

**C. Custody of research records:** At the time of the allegation, the University, acting through the Research Integrity Officer, must promptly take all reasonable and practical steps to obtain custody of all research records and evidence which may be necessary to an investigation and to inventory and sequester such records and evidence in a secure manner.

The destruction, absence of, or respondent's failure to provide, research or scholarly activities records adequately documenting the questioned research establishes a presumption of misconduct in research and scholarly activities that may be relied upon in establishing misconduct in research and scholarly activities where the respondent's conduct constitutes a significant departure from accepted practices of the relevant research community. The destruction, absence of, or respondent's failure to provide records adequately documenting the questioned research constitutes evidence of research misconduct where a preponderance of the evidence establishes that the respondent intentionally, knowingly, or recklessly had research records and destroyed them, had the opportunity to maintain the records but failed to do, or maintained the records but failed to produce them in a timely manner when requested, and that the respondent's conduct constitutes a significant departure from accepted practices of the relevant research community.

**D. Assessment of allegations:** Within ten (10) days of receipt of the allegation, the administrative unit head shall determine if the allegation warrants an inquiry and notify in writing all relevant parties of her/his decision. The appropriate parties may include the respondent, complainant, responsible chair, dean, director, Research Integrity Officer and/or the Vice President for Academic Affairs. An inquiry is warranted if the allegation falls within the definition of misconduct in research and scholarly activities under this policy, and is sufficiently credible and specific so that potential evidence of misconduct in research and scholarly activities may be identified. If an inquiry is warranted, the administrative head will notify all parties in writing and the **Inquiry Phase** will be initiated.

If an inquiry is not warranted, the administrative unit head will notify in writing all parties, including the Vice President for Academic Affairs and will retain a confidential record of the reasons for this determination. In the case of a determination that no inquiry is warranted, within five (5) days of notification of the determination, the complainant may make an appeal of such determination directly to the Vice President for Academic Affairs.

**E. Notification of respondent:** If the allegation warrants an inquiry, at the time of or before beginning an inquiry, the administrative unit head must make a good faith effort to notify in writing the presumed respondent of the allegation of misconduct in research and scholarly activities. If the inquiry subsequently identifies additional respondents, the head of the Committee identifying them must notify such additional respondents.

The administrative unit head or the Research Integrity Office shall inform the respondent of the process to be followed and be provided with a copy of the allegations and of all written evidence submitted.

**F. Confidentiality:** To the extent permitted by law and applicable federal regulations, allegations, evidence, correspondence, reports, and all other matters relating to the inquiry shall be held in confidence. To the extent possible, only those individuals directly concerned shall be informed of any aspect of the inquiry or allegations.

Moreover, to the extent possible, the identity of informants who wish to remain anonymous will be kept confidential.

## **V. Inquiry Phase**

Following a decision by the administrative unit head that the allegation meets the definition of misconduct in research and scholarly activities and should be pursued further, an **Inquiry Panel and Chair** will be appointed to conduct an initial review of the evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

**A. Inquiry Panel:** An Inquiry Panel shall be established by the chair of the relevant department if the chair or dean is the respondent. The appropriate administrative unit head will establish the panel and appoint the chair. The panel shall consist of three (3) members, as follows:

- 1) a panel chair appointed by the dean or director from among faculty of the University; and
- 2) two (2) members appointed by the chair of the relevant department. The department chair may appoint members of the departmental faculty to serve on the panel, but is not limited to such individuals in making his/her selections.
- 3) The Research Integrity Officer shall sit as an ex officio member of the Inquiry Panel and shall advise all parties are necessary regarding the University process.

In making panel selections, care should be taken to ensure that there are no unresolved personal, professional or financial conflicts of Interest with those Involved. Moreover, individuals appointed by the department chair should be knowledgeable in the discipline or field of the alleged offense. Such individuals are not limited to faculty within the respondent's home department or discipline, nor are they limited to SSU employees.

**B. Panel charge:** The Inquiry Panel's charge shall be to evaluate existing evidence and to decide if an allegation warrants an investigation. It shall find that an investigation is warranted if preliminary information-gathering and preliminary fact-finding from the inquiry indicates that the allegation may have substance (see III. F.) and, after considering the possibility of honest error or difference of opinion falls within the definition of misconduct in research and scholarly activities. The respondent may choose not to appear or comment.

**C. Access to documents:** All documents and other evidence needed by the Inquiry Panel to render a just and informed decision shall be made available to it by any member of the University community as allowed by regulation or law. Where appropriate, the respondent will be given copies of, or reasonable supervised access to, the research records, but such an advisor does not have the right to address this panel. The Inquiry Panel may request the respondent appear before it in addition to submitting written comments.

**D. Responsibility of Respondent:** The Inquiry Panel shall notify and afford the respondent an opportunity to file a written response to the allegations and evidence, including any representation that the allegation resulted from honest error or difference of opinion. The written response must be prepared and submitted to the Inquiry Panel Chair within ten (10) days of notification. The respondent may request the assistance of a colleague to act as his or her advisor before the Inquiry Panel. The Inquiry Panel shall exercise sole discretion in granting or denying such requests.

If a preponderance of the evidence demonstrates that the research misconduct was committed intentionally, knowingly or recklessly, the respondent has the burden of establishing any affirmative defenses raised, including any honest error or differences of opinion and of providing evidence of any mitigating factors that the respondent wishes the Panel to consider. Credible evidence corroborating the research or scholarly activity or providing a

reasonable explanation for the absence of, or respondent's failure to provide, the research or scholarly activities records or evidence showing honest error or difference of opinion, may be submitted by the respondent.

**E. Inquiry Panel report:** The inquiry shall be completed and a final written report submitted to the appropriate parties (see IV.F below) within 60 days of the constitution of the Panel. The Inquiry Panel report will include the following information:

1. The name and position of the respondent;
2. A description of the original allegations of misconduct in research and scholarly activities;
3. Information regarding any external support or reviews, including, for example, grant numbers, grant applications, contracts, and publications listing external support;
4. If the allegation is found to be unsupported, the written report of the inquiry must have sufficiently detailed documentation to permit a later assessment by internal or external authorities of the reasons why the institution decided not to conduct an investigation;
5. The basis for recommending that the alleged actions do or do not warrant an investigation;
6. Any written comments on the report by the respondent, complainant, or a witness;
7. The charges for the investigation to consider if an investigation is recommended; and
8. The records of the inquiry will include a copy of this Policy as well as information on the research or scholarly activities records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents.

**F. Disposition of report:** The written report of the Inquiry Panel shall be forwarded to the dean or director of the school or college:

- 1) If the allegation is found to be supported, and an investigation warranted, a copy must be forwarded to the Vice President for Academic Affairs (with a copy to Research Integrity Officer) who shall initiate the investigation process.
- 2) If no further action is necessary (i.e., no investigation is recommended), the report and all supporting materials shall be, marked confidential, and forwarded to the Vice President for Academic Affairs to be held for a period of seven (7) years, after which they shall be destroyed.

The respondent will be provided a copy of the final Inquiry Panel report, reference to or a copy of this Policy, and, if applicable, reference to or a copy of any applicable regulations or policies of any Involved external sponsor. The respondent will have a period of five (5) days to review and comment on the final Inquiry Panel report, and any comments shall be attached to the report and become part of the report record. The complainant may be notified whether the Inquiry Panel found that an investigation is warranted, and may be provided relevant portions of the report for comment, and any comments shall be attached to the report and become part of the report record. The complainant has no right to further comment at this stage.

**G. External notifications:** In those cases where the research or scholarly activities under investigation have been supported by an external sponsor, the Vice President for Academic Affairs will be responsible for satisfying any notification and reporting requirements of that sponsor and for taking appropriate interim administrative actions to discharge the University's fiduciary, regulatory, and/or contractual duty to the sponsor and/or the sponsor's Interests in the matter from its inception to its completion, Including notification of any special circumstances that exist. Time limits for notification may be adjusted so as to be appropriate to the



sponsor's requirements.

**H. Protections for respondent/complainant:** If an allegation is found to be unsupported, all involved parties shall be informed in writing of the disposition of the matter, and the University will make appropriate, diligent efforts to clear the good name and restore the reputation of all involved parties. The University will undertake diligent efforts to protect the positions and reputations of, and prevent retaliation against, persons who, in good faith, make allegations of scientific misconduct. However, if, following its inquiry, the Inquiry Panel determines that the allegation(s) were capricious and deliberately malicious in nature, the Panel will so notify, in writing, the involved parties, (e.g., dean, chair, respondent and the complainant, Vice President for Research); no other formal actions shall be undertaken by the Inquiry Panel. Complainants filing allegations found to be capricious and deliberately malicious in nature shall be subject to the appropriate University procedures and possible sanctions therein, including, but not limited to, the University Faculty Grievance Procedure and the Classified Employee Standards of Conduct.

## VII. Investigation Phase

If the Inquiry Panel finds sufficient evidence in support of the allegation of potential research misconduct, the investigation process is initiated. The purpose of the investigation is to explore further the allegations and to determine if any misconduct actually has occurred.

**A. Timeline for investigative process:** The Vice President for Academic Affairs in writing will initiate the investigation process. The Investigation process must be initiated within thirty (30) days from the written determination by the Inquiry Panel. The process is initiated by the selection of the Panel. Within ten (10) days of receiving the final determination from the Inquiry Panel that an investigation is warranted, but before the beginning of the investigation, the appropriate dean, in consultation with the Vice President for Academic Affairs will notify in writing both the respondent and the complainant that a formal investigation is to be conducted. The notification must include the specific charges and the name of the complainant, if not previously identified and provided. The University must complete all aspects of an investigation within 90 days of the beginning of process, including:

- 1) conducting the investigation and preparing the draft report of findings (to be completed within 60 days of initiation of process);
- 2) giving the draft report to the respondent and complainant for comment (who have 10 days for comment); and
- 3) submitting the final report to the University and to any external sponsor whose regulations so require (within 20 days of receiving respondent and complainant comments on the final report).

If it is unable to complete the full investigation in 90 days, the University may be required by regulation to ask any external sponsor in writing for an extension.

**B. Investigative Panel:** The Vice President for Academic Affairs in consultation with the dean or director of the school or college in which the respondent has primary appointment, will initiate the investigative process by appointing the Investigative Panel.

Although the composition of this Investigative Panel may vary, the investigative panel will be composed of a minimum of three (3) members. Members of the Investigative Panel drawn from the Savannah State University academic community must be full-time faculty, and at least one (1) of the Panel members should be knowledgeable in the scholarly or scientific discipline of the respondent. Additionally, one of the Panel members may be drawn from outside the SSU academic community. The Research Integrity Officer shall sit as an ex officio member of the Inquiry Panel and shall advise all parties as necessary regarding the university process.

The appropriate dean or Vice President for Academic Affairs in consultation with the Research Integrity Officer will appoint one (1) Investigative Panel member to serve as chair. In choosing the Investigative Panel and its chair, conflicts of interest must be examined by the dean; and any relationship with parties to the matter must be fully is closed by potential panel members. Panel members must have no unresolved personal, professional or financial conflicts of interest with those involved with the inquiry or investigation. The composition of the panel and the academic affiliation of all panel members similarly will be detailed in writing. The Investigative Panel will meet promptly and develop an investigative timetable which strives to complete the investigation and prepare a draft report within 60 days.

**C. Challenges to panel membership:** The respondent and complainant will have the right to one challenge of any initial member of this panel for cause; such challenges must be made in writing and submitted to the appropriate dean within five (5) days of his or her communication outlining the panel's composition. The dean, in consultation with the Research Integrity Officer will review any challenges presented by the respondent and complainant. If they find compelling evidence that any panel member cannot function in a fair and impartial fashion, he or she will discharge that panel member and immediately appoint a replacement.

**D. Custody of records:** To the extent not already done so, the Investigative Panel will take all reasonable and practical steps to obtain custody of, inventory and sequester all evidence need to conduct the investigation.

**E. Additional allegations:** The respondent must be given written notice of any new allegations of misconduct in research and scholarly activities. This notice must be provided within a reasonable amount of time of deciding to pursue allegations not addressed during the original inquiry or in the initial notice of investigation.

**F. Rights of respondent:** All involved parties are required to cooperate with the Investigative Panel in providing information relating to the allegations. All necessary information must be provided to the respondent, or the respondent given supervised access to records, in a timely manner to facilitate the preparation of a response. The respondent will have the right and opportunity to address the charges and evidence in detail and to verbally and/or in writing present his or her detailed response to the panel. The respondent may be accompanied by an advisor of his/her choice when he/she is before the Investigative Panel. The role of the advisor is limited to consultation with the advisee (i.e., the adviser may not call or question witnesses or make presentations).

**G. Investigation procedure:** The panel will use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research or scholarly activities records and evidence relevant to reaching a decision on the merits of the allegations, and maintain written records of all aspects of the investigative process. The Investigative Panel will:

- 1) interview each respondent, complainant, and any other available person who may have substantive information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and maintain detailed records;
- 2) record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- 3) keep all deliberations in confidence during the investigation.

**H. Findings of Investigation Panel:** Upon the completion of the deliberations, and within sixty (60) days of the initiation of the investigation, the panel will prepare a draft written report, vote on the findings of the report, and record that vote. If unanimity is not attained, a minority report may be filed detailing why the majority vote could not be supported. This draft report will be provided to the respondent, who has 10 days from receipt to provide any written comment on the draft report. This draft report may be furnished to the complainant who has 10 days from receipt to provide any written comment on the draft report.

**I. Final report:** The final report should be submitted to the appropriate dean and the Vice President for Academic Affairs within 90 days of the initiation of the investigative process, with both the respondent and complainant receiving a copy of the panel's findings.

If the panel's final report is to be delayed beyond 90 days, an interim report shall be submitted to the appropriate dean and the Vice President for Academic Affairs (and to the Research Integrity Officer) and, if warranted, the sponsoring agency should be informed by the Vice President of Academic Affairs of the interim report's findings.

If an interim report is filed, the final report must be completed and submitted to the Vice President for Research within thirty (30) days of the interim report.

The draft report, interim report (if required), and final institutional investigation report must be in writing and include:

**1) Allegations.** Describe the nature of the allegations of misconduct in research and scholarly Activities.

**2) External support, if any.** Describe and document external support, if any, including, for example, any grant numbers, grant applications, contracts, and publications listing such support.

**3) Institutional charge.** Describe the specific allegations of misconduct in research and scholarly activities for consideration in the investigation.

**4) Policies and procedures.** If required by regulations accompanying any external support and not already provided to that sponsor with an inquiry report, include the institutional policies and procedures under which the investigation was conducted.

**5) Research or scholarly activities records and evidence.** Identify and summarize the research or scholarly activities records and evidence reviewed, and identify any evidence taken into custody but not reviewed.

**6) Statement of findings.** For each separate allegation of misconduct in research and scholarly activities identified during the investigation, include a finding as to whether misconduct in research and scholarly activities did or did not occur, and if so

a. Identify whether the misconduct in research and scholarly activities falsification, fabrication, material embellishment, or plagiarism, and if it was intentional, knowing, or in reckless disregard;

b. Summarize the facts and the analysis which support the conclusion and consider the merits of any reasonable explanation by the respondent;

c. Identify any specific external support;

d. Identify whether any publications need correction or retraction;

e. Identify the person(s) responsible for the misconduct; and

f. List any current support or known applications or proposals for support that the respondent has pending with any Federal agencies.

**7) Comments.** In the final report, include and consider any comments made by the respondent and complainant on the draft investigation report.

**J. Disposition of findings:** At the conclusion of all proceedings the Vice President for Academic Affairs will notify the appropriate parties. If misconduct has been substantiated, within ten (10) days the Vice President for

Academic Affairs will inform the respondent(s), complainant(s), dean, director, and/or chair, the President of the University, and relevant concerned parties. Appropriate concerned parties might include, but not be limited to:

- 1) Sponsoring agencies, funding sources
- 2) Co-authors, co-investigators, collaborators
- 3) Editors and publishers of journals and books in which results and writings were published
- 4) State professional licensing boards
- 5) Editors of journals or other publications, other institutions, sponsoring agencies, and funding sources with which the individual has been affiliated
- 6) Professional societies.

Notification to all parties will be in writing and accomplished within ten (10) days.

If the panel finds insufficient evidence of misconduct, within ten (10) days the Vice President for Academic Affairs must notify the appropriate dean who will notify the respondent and the complainant that the allegations could not be supported and that the respondent is exonerated of wrongdoing. The Vice President for Academic Affairs will also inform any sponsoring agency of this finding. A record of this finding shall be retained by the Office of the Vice President for Research, and the University will make diligent efforts, as appropriate, to clear the good name and restore the reputation of the individual towards whom the investigation was directed.

**K. Imposition of sanctions:** If misconduct has occurred, the Vice President for Academic Affairs will notify in writing within ten (10) days the dean, director, or chair that the respondent is to be disciplined according to established university rules and procedures, which shall include but not be limited to, for students, the Honor or Academic Integrity Policy on the appropriate campus, and for classified employees, the State Employee Standards of Conduct. After receipt of the notification, the dean, director, or chair will notify in writing within ten (10) days the Office of the Vice President for Academic Affairs the precise nature of the disciplinary action to be taken. The Vice President shall notify all appropriate parties of any sanctions imposed by external funding sources or sponsoring agencies as a result of these proceedings. The procedures and remedies described in this policy are not intended to replace, and thus are in addition to any state or federal laws or regulations which may impose penalties, corrective action, or civil and/or criminal liability for misconduct in research and scholarly activities. The University will cooperate with sponsors in any administrative hearings or appeals brought under the sponsor's applicable rules or regulations.

L. Protection for respondent and complainant: The respondent has the right to appeal the decision of the Investigation Panel. Filing of an appeal must be within 5 (5) days of receipt of the final report (see Section VIII for appeal process).

In all cases, irrespective of the panel's findings, every effort will be made to prevent retaliatory action against the complainant (s). If, however, the complainant's allegations are found to have been maliciously motivated, disciplinary action will be taken against the responsible individual(s) according to established University rules and procedures.

## **VIII. Appeal Process**

The decision of the investigation panel shall be final unless the appellant further appeals in writing to the President of the University within ten (10) days of the receipt of the panel's decision. In the event of an appeal, the President shall review the record and tender a decision in writing within thirty (30) days of the investigation panel's decision. The President's decision shall be final, and there shall be no further appeal within the University.

The parties shall be notified of any external appeal process available from the funding sponsor and shall be given a copy of available rules or regulations governing the sponsor's external appeal process.

## **IX. Final Disposition of Records**

The Vice President for Academic Affairs must maintain records of misconduct in research and scholarly activities proceedings in a secure manner for seven (7) years after their completion or after completion of any sponsor's proceeding authorized by regulation, whichever is later. On request, SSU must transfer custody of or provide copies to any sponsor so authorized by regulation, of any institutional record relevant to a misconduct in research and scholarly activities allegation covered by said regulation, including the research or scholarly activities records and evidence, to perform forensic or other analyses or as otherwise needed to conduct an inquiry or investigation or review or to present evidence, as required by such regulation.