

# Shawnee State University

AREA: ACADEMIC AFFAIRS	POLICY NO.:	2.13
	OAC NO.:	3362-2-13
	PAGE NO.:	1 OF 3
	RECOMMENDED BY:	PROVOST
SUBJECT: MISCONDUCT IN SCIENTIFIC AND SCHOLARLY RESEARCH	APPROVED BY:	

## 1.0 Definition

As defined in the Code of Federal Regulations, Title 42, Part 50, Subpart A: Misconduct in Scientific and Scholarly Research: *"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."*

There are three components to be considered in the event of an allegation of scientific misconduct. Those are the reporting of allegations, inquiry and investigation, and the disposition of findings.

## 2.0 Reporting of Allegations

An allegation of misconduct in scientific or scholarly research within a department shall be reported to the chair or director of that department in writing signed by the complainant. The signed, written allegation will then be forwarded to the Provost. Where the allegation is made against a department chair or program director, the written allegation shall be signed by the complainant and will be forwarded directly to the Provost. The University has an ethical obligation to assure those who bring forth an allegation of misconduct that confidentially will be exercised and to offer them protection from retaliation. At the same time, it is important that the University recognizes the serious effect such allegations may have on the career and reputation of the accused researcher. Therefore, it is in the best interest of all parties that proceedings be handled in confidence, yet within the boundaries of state and federal law regarding open records. In the event of an inquiry into possible misconduct, it is also the responsibility of the University to protect federal and state funds and to insure that the proper purpose of that funding is carried out. The Provost will be authorized to initiate and document appropriate administrative action to provide that assurance.

## 3.0 Inquiry and Investigation

3.1 Pre-inquiry: The Provost will conduct a pre-inquiry review to assist the complainant to formulate as clearly as possible the exact nature of the allegation and to determine if an allegation has any reasonable basis before beginning a formal process of review. In those cases involving allegations that pose threats to the health or welfare of human subjects or other involved persons, a pre-inquiry review may be omitted. Following informal review with the respondent, if the Provost determines that the allegation is frivolous, has no merit or does not fall under the definition of misconduct in research, the complainant and respondent will be notified of that decision.

Certified as True and Correct  
*[Signature]* 5/29/03  
Secretary, SSU Board of Trustees Date

- 3.2 Inquiry: If the pre-inquiry does not dispose of the allegations the Provost will conduct an inquiry to gather information to determine the validity of the claim of misconduct. The accused investigator will be provided a copy of the allegations within three (3) working days after receipt of the complaint by the Provost. The inquiry should be completed within thirty days of receipt of the allegation. When circumstances warrant (unavailable witnesses or evidence), the inquiry period may be extended by the Provost for an additional thirty days. Any inquiry into the allegation of misconduct must result in a written report that includes a summary of all evidence reviewed, summaries of any relevant testimony, and a conclusion of the findings. Copies of the report must be given to the accused researcher who will then be given the opportunity to make comments. Those comments will be added as an amendment to the report. If the inquiry determines that no basis exists for further investigation, the party making the allegation, the researcher, the dean, and/or department head will be informed in writing. The Office of the Provost will keep records of the inquiry, separate from the personnel files of the involved parties, and the records will be maintained for a minimum of three years.
- 3.3 Investigation: In the event that an inquiry produces evidence of possible misconduct, the Provost will appoint a committee to conduct an investigation. The committee will consist of at least three scholars who have been screened for any real or apparent conflicts of interest with the activity and party in question. The committee will include members whose credentials of education and experience qualify them to make technical or scholarly judgments about the allegations. The accused investigator may recommend to the Provost qualified members for this committee. The investigative committee may include individuals from outside the University. The investigation will commence within thirty days of the conclusion of the inquiry and shall include the examination of all relevant information and records and may include testimony if necessary. The committee may secure expert assistance to assist in evaluating the evidence with prior approval of the Provost. The accused researcher will be given the opportunity to respond to the allegation. Within ninety days, the findings of the committee shall be presented to the Provost and to the researcher in question in a written report that shall include any recommendations based upon those findings. Upon receipt of the report, the Provost will issue a decision on the misconduct allegation.
- 4.0 Disposition
- 4.1 The Office of the Provost will notify the appropriate funding agency or agencies and the Office of Scientific Integrity (OSI) when an investigation is initiated. When a decision has been reached the agency or agencies and the OSI will be notified of the outcome of the investigation. During the course of the investigation, the Office of the Provost will keep OSI informed of any significant developments that may occur. If the decision is made that no misconduct has occurred, the investigation will be closed and the accused researcher and the person who made the allegation will be notified. Measures will be taken by the University to restore the reputation of the researcher when the investigation is complete.
- 4.2 If the conclusion is that scientific or scholarly misconduct has occurred, the Provost will determine the course of action to be taken, which may include appropriate administrative sanctions up to and including termination from employment. Any administrative sanctions will conform to the requirements of applicable collective bargaining agreements. If reasonable indications of possible criminal misconduct exist, the Office of Scientific Inquiry will be notified

Certified as True and Correct


 Date 5/29/03

within twenty-four hours of the finding. The accused investigator will be given an opportunity to comment on the findings of the inquiry before recommendations are made. Appeals may be made as provided for by the applicable collective bargaining agreement.

Certified as True and Correct  
*[Signature]* 5/29/03  
Secretary, SSU Board of Trustees / Date