

Marshall University Research Corporation

MISCONDUCT IN RESEARCH: POLICY STATEMENT ON INTEGRITY IN SCIENTIFIC RESEARCH

I. Purpose.

Research and scholarship are an essential part of Marshall University. The virtues of scholarship are forged from a combination of patience with eagerness, inspiration with meticulous care, and a reverence for integrity with a willingness to challenge cherished assumptions. It is within the research process that these virtues must be held in the highest esteem and measured against a strict set of standards. In this light, it is incumbent upon the institution to insure accurate, objective, valid and reliable research in the finest tradition of scholarship.

It shall be the policy of Marshall University that no faculty member shall knowingly plagiarize, fabricate, or present incorrect data in research or creative activities conducted under the auspices of the institution. Further, in the case of alleged scientific misconduct, all pertinent rules and regulations of the Public Health Service (PHS), such as 42 CFR Part 93 and allied documents, will prevail in providing definitions, procedures, and deadlines.

II. Definitions.

The following definitions apply to this policy:

"Inquiry" means information gathering and initial fact-finding to determine if the allegation of apparent instance of misconduct warrants an investigation.

"Investigation" means a formal presentation, examination and evaluation of all relevant facts to determine whether misconduct has occurred, the severity of the alleged misconduct and its impact, and the recommendations for specific actions to be taken to address the misconduct.

"Research" means a systemic investigation designed to develop or contribute to generalizable knowledge including, but not limited to, scientific, applied, behavioral/social sciences research and/or any such activity for which funding is available from federal agencies.

"Research misconduct" means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- a. Fabrication is making up data or results and recording or reporting them.
- b. 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.
- c. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- d. Research misconduct does not include honest error or differences of opinion.

For purposes of this research misconduct policy, the definitions found in 42 CFR Part 93 shall apply in addition to the definitions above.

III. Allegations of Misconduct.

Written charges or complaints, with supporting documentation of alleged misconduct in research, shall be forwarded to the Dean of the College of the faculty member so charged with misconduct. The anonymity of the person bringing the charges or complaint shall be protected, upon request, as much as feasible.

IV. Inquiry.

The Dean shall initiate an inquiry of any such charges. The purpose of the inquiry shall be to determine whether an investigation is warranted. The Dean shall maintain full confidentiality of the allegations and the inquiry. The individual(s) against whom the allegation was made shall be informed of the charges and will be permitted to comment on the charges.

The inquiry must be completed within 60 calendar days of its initiation, unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the inquiry record must include documentation of the reasons for exceeding the 60-day period. The Dean shall prepare a written report that states what evidence was reviewed, summarized relevant interviews, and includes the conclusions of the inquiry. The complainant and the affected individual(s) shall be given a copy of the report. If they comment on the report, their comments will/may be made part of the record.

If no justification is found to warrant an investigation, all information relating to the review process shall be secured and maintained in a secure manner for seven years and then be destroyed.

V. Investigation.

If the inquiry indicates a sufficient basis for conducting an investigation, the Dean shall forward the findings to the President. At such time as the President receives the information, he or she shall inform the accused individual(s) that an investigation is warranted and the date the investigation is scheduled to begin, and direct the Vice President for Research to notify the awarding agency if applicable.

If the research misconduct allegations involve PHS supported research and an investigation is warranted, the Vice President for Research shall be provided with the written finding and a copy of the inquiry report containing the information required by 42 CFR Part 93.309(a). The Vice President for Research will notify the Department of Health and Human Services (HHS) through their Office of Research Integrity (ORI) within 30 days of the date the investigation is determined to be warranted.

The President will then ask the Provost to initiate an investigation. The Provost in consultation with the President of the Faculty Senate shall appoint a three member panel to investigate the allegations. The panel shall be composed of one member from the researcher's college and two members outside of the college in a related academic area. The members shall be of a faculty rank equal to or higher than the individual charged. The panel should be constituted in such a way as to be professionally qualified to review the specific research area involved. If such expertise is not available outside of the researcher's college, the panel may be enlarged to five members by appointing additional members from the researcher's college. No member of the panel shall participate in any proceedings if he or she would not be capable of impartially considering the evidence and issues. All discussions by the panel members shall be held in the strictest confidence. The investigation will begin upon the first meeting of the panel, which must occur within 30 days of the completion of the inquiry.

The members of the panel will formulate a draft statement of the charges as soon as reasonably possible. The draft statement of charges will specifically set forth the applicable standards of professional conduct and a statement of the allegations which, if substantiated, would constitute a violation of such standards of professional conduct.

A copy of the draft statement of charges shall be delivered to the complainant and researcher(s) within 2 days of its preparation. The comments of the complainant and researcher(s) must be submitted within 30 days of the date on which they received the draft statement of charges. These comments may be incorporated into an official statement of charges.

The official statement of charges shall be delivered by certified letter to the researcher(s) alleged to have engaged in misconduct. Copies of the official statement of charges will also be delivered to the University President, the Provost, and the President of the Faculty Senate to ensure that they are informed of the case before the panel.

The investigation will examine all documentation including but not necessarily limited to, relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. When possible, interviews should be conducted of all individuals involved in either making the allegations or against whom the allegations are made as well as other individuals who might have information relevant to the complaint. Audio recording of the interviews is recommended. Complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included in the record of the investigation.

The researcher(s) shall be provided ample opportunity to respond to the allegations. The researcher(s) may present evidence and expert testimony on his or her behalf. In no instance shall the investigation take longer than 60 working days.

The written decision of the panel shall be sent to the Provost who will forward it to the University President and President of the Faculty Senate. The written decision shall also be sent to the researcher(s) by certified mail.

If the panel finds that the charge of misconduct in research is unfounded, the President shall direct the Vice President for Research to notify the awarding agency of such finding and there shall be no mention of the charge of the investigation placed in the researcher's personnel file, unless such a statement is requested by the accused. At this time, all pertinent records shall be immediately secured and maintained in a secure manner for seven years and then be destroyed. All individuals related to the review process shall be notified of the finding that the charge of misconduct in research was unfounded.

If the charge of misconduct in research is substantiated, the President shall determine and enforce the appropriate sanction to be applied to the researcher(s) and shall notify the appropriate Dean, the researcher(s), and direct the Vice President for Research to notify the awarding agency. The degree of sanction to be applied shall be in relation to the degree of the offense. The researcher shall have the right to appeal the charge utilizing the grievance procedure for faculty as stated in the Marshall University Greenbook.

While the final report of the Committee shall be delivered to the President of the University, the Provost, the President of the Faculty Senate, the complainant, and the researcher(s), the final report will not be made public, except in response to a subpoena or other judicial process.

If the research is supported by PHS, the final institutional investigation report will be provided to the Vice President for Research and reported to HHS ORI containing the information required by 45 CFR Part 93.313.

A copy of the Policy Statement on Integrity in Scientific Research will be made available to all faculty, staff, and students.



John M. Maher, Ph.D.
Vice President for Research

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Date

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