

Research Misconduct: Policies and Procedures

Policy Title

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Policy Text

1. Research Misconduct: General Principles

- a. As Christians working for a Christian institution, we have an obligation for full compliance with both man's law and God's law. Harding University believes that the academic community must do everything within its power to guard against research misconduct in all aspects of academic life, including the administration and conduct of those involved with sponsored projects.
- b. All forms of academic fraud and research misconduct must be condemned in the strongest possible terms.
- c. All scholars have an obligation to disclose what they believe, in good faith, to be well-founded suspicions of research misconduct.
- d. Allegations of fraud must be made with great caution; yet those who come forward with such allegations must understand that the University respects the honest exercise of their judgment.
- e. At the same time, the rights of those whose scholarship or research is questioned must also be scrupulously protected, all in accord with a process that responds to such allegations with the utmost care, diligence, sensitivity, and respect for the rights of all concerned.
- f. The University believes that the academic community must do everything within its power to guard against research misconduct and, as part of that responsibility, have in place detailed and well-established procedures for dealing with allegations of research misconduct in a timely and fair manner. The procedures are necessary not only to protect the academic community from fraud, but also to protect individuals who may be unjustly accused. The following procedures do not supplant existing disciplinary procedures, but rather establish an initial process for the review and investigation of allegations, which may result in the initiation of disciplinary action if warranted, in accordance with applicable procedures. The following principles must govern the response when allegations of research misconduct are brought forward:
 - Any well-founded accusation of research misconduct made in good faith must be given serious consideration;
 - The University response must be thorough, competent, objective, and fair;
 - Individuals responsible for carrying out any part of the research misconduct proceeding must not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses;
 - An accused person must be assumed innocent until the weight of evidence requires a conclusion to the contrary; and
 - Every effort should be made to protect the privacy and reputation of the accuser, the accused, and any research subjects identifiable from research records or evidence and to restore the good name of an unjustly accused individual.

2. Definition of Research Misconduct:

- a. *Research misconduct* means 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
 - *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- b. Research misconduct does not include honest error or differences of opinion.

3. Criteria warranting an inquiry:
 - a. An inquiry is warranted if the allegation:
 - falls within the definition of research misconduct under this part; and
 - is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

Procedure

1. Initiation of Allegation
 - a. Any allegation of research misconduct, whether lodged from within or outside the University, that is directed against a faculty or staff member or associate of any college, program, or department of Harding University, will be directed to the dean for which the accused hold appointments.
 - Whistle-blowers: Any employee or student associated with the University who knows of or suspects research misconduct must promptly notify either one's immediate supervisor or the provost directly. This duty to report by an individual or supervisor is in compliance with our ethical standards. Those who report will be given "whistle blower" protection.
 - Retaliation against an individual for having made in good faith an allegation of research misconduct is a violation of University policy and an offense subject to discipline.
 - On the other hand, an individual who maliciously or in bad faith brings such an allegation also will be subject to discipline.
 - b. The dean, in a timely manner but no longer than two weeks following receipt of an allegation, with the advice of two senior faculty members designated by him or her, will determine whether the allegation warrants an inquiry. If it is necessary to consult with others in order to make this decision, the dean will seek to maintain, if possible, the anonymity of all individuals involved, including those who have made the allegations, and in any event will require all those consulted to treat the matter as strictly confidential.
 - c. If the dean determines that the allegation does not warrant an inquiry, the results of the dean's evaluation and the reasons therefore will be set forth in a written report which will be held for a period of three years in a locked file. The dean will promptly inform the person(s) who made the allegations of this decision.
2. Inquiry
 - a. The dean will promptly inform the accused in writing that an allegation has been made and that he or she will be subject to an inquiry. The dean will provide him or her with the names of the members of the Inquiry Committee and sufficient information about the allegation so as to permit the accused to prepare to respond.
 - A faculty member will not be appointed to the Inquiry Committee if the dean believes that individual to have a potential conflict of interest in relation to the matter at hand or the individuals involved.
 - b. The dean will promptly inform the accused in writing that an allegation has been made and that he or she will be subject to an inquiry. The dean will provide him or her with the names of the members of the Inquiry Committee and sufficient information about the allegation so as to permit the accused to prepare to respond.
 - c. The dean will notify the provost that an inquiry has been initiated and the nature of the alleged research misconduct. If warranted in the dean's judgment, based upon an overriding need to protect the health, safety, reputation or financial interest of others or when required by federal regulations, the dean will notify relevant funding, regulatory or other agencies of the initiation of the inquiry. Where externally funded research is involved, the dean will take such interim administrative actions during the inquiry (or during any later investigation) as are appropriate, in his or her judgment, to protect external funds and ensure that the purposes of the external financial assistance are being carried out, as required under federal or other regulations.
 - d. Either before or when the dean notifies the respondent of the allegation, inquiry or investigation, the Inquiry Committee will take all reasonable and practical steps to obtain all records directly relevant to the allegations, inventory the records and evidence, and sequester

them in a secure manner. Where appropriate, the respondent will be given copies of, or reasonable, supervised access to the research records.

- e. The Inquiry Committee will seek to interview the accuser(s) and the accused so as to hear firsthand the allegations as well as the response of the accused. When being interviewed by the Inquiry Committee, an accused may be accompanied by an adviser, who may be any member of the Harding Community, but not by legal counsel. The Inquiry Committee also may interview or otherwise request information from others within or without the University, including persons uninvolved in but knowledgeable about the matter under inquiry, and may seek expert advice. All persons requested to participate in the Inquiry or to provide documents are expected to cooperate. The members of the Inquiry Committee will make every effort to maintain the confidentiality of their materials and deliberations and all individuals involved. All correspondence, minutes, and other records will be marked "confidential" and kept in locked files. In seeking information, the Inquiry Committee, insofar as it can, will require confidentiality of those with whom it must communicate. The Inquiry Committee will give due regard to preserving the privacy of the person(s) bringing the allegations; however, if the Inquiry Committee determines that confidential disclosure of the identity of the accuser to any person (including the accused) is necessary in order for it to proceed fairly with its deliberations, the Inquiry Committee, after first informing the accuser, may make such disclosure.
 - f. The Inquiry Committee will determine that an investigation is warranted if there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and if preliminary information-gathering and preliminary fact-finding from the inquiry indicates that the allegation may have substance.
 - g. As soon as practicable, and normally within 60 days after receiving its charges, the Inquiry Committee will prepare a written report for the dean setting forth its conclusions and the evidentiary basis for those conclusions (including summaries of interviews). Any request by the Inquiry Committee for an extension beyond 60 days must be in writing and include documentation of the reasons for the extension. The Inquiry Committee may reach one of two conclusions:
 - If the Inquiry Committee concludes that there are reasonable grounds for believing that the allegations may be true and that a formal investigation is required, it will provide to the dean along with its report a formal written statement detailing the specific charge or charges of research misconduct that should, in its judgment, be the subject of an investigation. The dean will convey the report and this statement to the accused. The accused will be given an opportunity to comment on the inquiry report, and any written response from the accused will be attached to the inquiry report.
 - If the Inquiry Committee concludes that there are not reasonable grounds for believing that the allegations may be true, the dean will inform the accuser in writing, and to the extent appropriate, any persons consulted by the Inquiry Committee, of that conclusion and the reasons for it and will provide a copy of the inquiry report to the accused. The dean will also determine what steps, if any, should be taken to restore the reputation of the accused. The dean will maintain the written inquiry report for a period of three years in a locked file.
 - h. If the inquiry substantiates research misconduct which is admitted by the accused, the dean will determine what actions should be taken, including any further investigation, and the sanctions to be imposed or recommended, consistent with applicable disciplinary procedures. If fraudulent scholarship or research has been published, the dean will see that the facts are submitted to the appropriate journals in sufficient detail to allow for correction of the relevant public record. The dean will notify the applicable funding, regulatory or other agencies of the outcome, as required by law or regulation.
3. Investigation
- a. The dean will initiate a formal investigation, if he or she deems one warranted, as soon as practicable after receiving the report from the Inquiry Committee containing its conclusions and its statement of charges. Normally this will be within 30 days. Within a reasonable amount of time after determining that an Investigation is warranted, but before the investigation begins, the dean will notify the accused in writing of the allegations. The dean will also notify the accused in writing within a reasonable amount of time of any new allegations not addressed during the inquiry phase.

- b. The dean will promptly inform the provost of the initiation of the Investigation. The dean will report the decision to begin an Investigation to the applicable funding, regulatory or other agencies as may be required by law or regulation.
 - c. The Investigation will be carried out by an ad hoc Investigation Committee consisting of three or more individuals whom the dean will appoint and which may include, in addition to or in lieu of members of the faculty of the school, qualified individuals from outside the school or University. The dean will not appoint to the Investigation Committee any individuals whom he or she believes have a potential conflict of interest with respect to the matter under review or the individuals involved. The dean will inform the accused of the membership of the Investigation Committee, and will consider any objection promptly raised by the accused based on conflict of interest. However, the dean's evaluation of any such objection shall be final.
 - d. The Investigation Committee will gather, review and assess relevant evidence and will determine whether the charge or charges are substantiated.
 - e. The Investigation Committee will immediately impound any materials, including laboratory notebooks, data and other research or scholarly materials, which it believes are relevant. The Investigation committee will make every effort to hear directly from the accused as well as the accuser (s). It may call witnesses who may be any persons within or without the University who may be knowledgeable about the matters under investigation, may seek expert advice and may review the records of the Inquiry Committee. The Investigation will make every effort to maintain confidentiality and protect the privacy of those involved. The Investigation Committee will provide to the accused the opportunity to inspect all documents which it will consider, except where there is a compelling need to protect the confidentiality of a communication, in which case the Committee will inform the accused of the substance of the document. The Investigation Committee also will provide the accused the opportunity to submit evidence and suggest witnesses. The Investigation Committee, at its discretion, may permit the accused to be present during the hearing of testimony from other witnesses or may exclude the accused, provided that the accused is given an opportunity to rebut or respond to the substance of all testimony. All interview testimony will be recorded and transcribed and provided to the interviewee for correction.
 - f. The accused may be accompanied before the Investigation Committee by an adviser who may be any member of the Harding University community. If the accused has engaged legal counsel, then counsel instead will be permitted to accompany the accused to consult with him or her as an adviser. However, the Investigation is not a trial-type proceeding and legal counsel will not be permitted to direct questions or answers or offer argument on behalf of the accused.
 - g. The Investigation Committee will complete its work as soon as possible and will ordinarily take no longer than 120 days from the date it receives its charges. If the Investigation cannot be completed within that time, the Investigation Committee will report to the dean on the status of the Investigation and he or she will notify the provost as to an estimated timetable for completion of the Investigation. The dean will also notify and request any necessary extension of time from any funding, regulatory or other agencies as may be required by applicable law.
4. Report of Investigation
- a. Upon completion of its Investigation, the Investigation Committee will prepare a written report consisting of the following three parts:
 - A summary of the substance of the documents, the testimony and the other forms of evidence which the Investigation Committee relied upon in reaching its conclusion;
 - A statement of the Committee's findings of fact and the conclusions it has drawn from those facts; and
 - The Committee's recommendation, if any, as to what actions the dean should undertake.
 - b. The report of the Investigation Committee will be adopted upon the majority vote of the members of the Committee.
 - c. The dean will permit the accused to inspect the Committee's report, the summary of documents, testimony and other evidence in the report and its findings of fact and conclusions, and to indicate in writing what clarification or corrections, if any, he or she believes are appropriate. The dean, solely at his or her discretion, may allow a similar opportunity to the accuser. The dean, after receiving the comments on the report, may ask the Investigation Committee to supplement its report. The dean also may request the

Committee to advise him or her on steps which should be taken to restore the reputation of the accused if the Investigation does not substantiate the charges.

- d. The dean will accept the findings of fact and conclusions of the report, as supplemented, of the Investigation Committee and will determine in light of the report, what actions, including disciplinary action, he or she will take or recommend to the provost and president be taken or initiated in accordance with University procedures. The dean will notify the accused of his or her decision in writing. The dean also will notify any funding, regulatory or other agencies as required by law or regulation of the outcome of the Investigation and the action that will be taken or initiated and will submit such reports or other documents as may be required. In the event that the Investigation concludes that charges are not substantiated, the dean will determine what measures reasonably can and should be taken to help restore the reputation of the accused, and will see that they are taken.
5. Appeal
 - a. Any person who has brought an allegation of research misconduct, or any person accused of research misconduct who believes that the allegation was improperly reviewed, may appeal in writing to the provost. In considering such an appeal, the provost will limit his or her review to determining whether appropriate procedures and standards were applied.
 6. Record keeping
 - a. The dean will maintain the research records, the inquiry report, including the documentation of any decision not to investigate, the investigation report and all records in support of that report, and all appeal documents in a secure manner for a least seven years after completion of the proceedings, or until any sponsor proceedings are complete, whichever is later.

Rationale

The policies and procedures set forth here are intended to apply to any externally-funded project performed by Harding personnel or performed at Harding University. The policies and procedures are meant to satisfy the conflict of interest regulations of the Public Health Service (PHS) of the U.S. Department of Health and Human Services (DHHS) set forth in 42 CFR Part 50 and 42 CFR Part 93 and the National Science Foundation (NSF) set forth in Section IV of the NSF Proposals and Award Policies and Procedures Guide.

Governance

Authority: Federal

Responsible Office: Provost (Academics), Finance, Office of Sponsored Programs

Document History

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