Research Misconduct Policy

Introduction

Individual integrity in science, research, and scholarly activities is an important component of a viable and energetic academic community. The following policy on integrity and the guarding against misconduct in research and scholarly activities applies not only to externally funded investigative projects but to all scholarly efforts that involve faculty, staff, and students at Western Kentucky University.

Misconduct in university research activities undermines the research enterprise and is harmful to the university community, the research community generally, and the public. Institutions such as Western Kentucky University have the responsibility not only to promote a healthy research environment but also to establish policies and procedures that deal effectively with allegations or evidence of misconduct. This document deals with the university procedures for handling allegations of misconduct.

By way of introduction the basic principles which guide the institutional review process are as follows:

- Individual integrity in academic research is the expected norm.
- Faculty, staff, and students have an obligation to report misconduct in research when there is evidence that the misconduct is intentional.
- Universities should provide vigorous leadership in the pursuit and resolution of all charges of misconduct in research.
- Universities must take care that the process pursued to resolve allegations of misconduct not damage research itself.
- Universities should treat all parties with justice and fairness and be sensitive to the reputations and vulnerabilities of all parties.
- Procedures for dealing with allegations of misconduct must preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
- The integrity of the process must be maintained by painstaking avoidance of real or apparent conflict of interest.
- The procedures should be as expeditious as possible.
- Universities should document the pertinent facts and findings at each stage of the process.
- Universities should recognize and discharge their responsibilities after resolving allegations of misconduct--internally, to all involved individuals; and externally, to the sponsors of research, the research literature involved, and other appropriate groups or agencies.

Definition of Research Misconduct

- As used in this policy statement, the term "research misconduct" includes four categories of unacceptable actions:
- An intentional act of deception by the researcher (faculty member, staff, postdoctoral associate, or student) in proposing, conducting, or reporting results of research. It is different from the honest error and the ambiguity of interpretation that is inherent in the research process and which is normally corrected by attempts at replication. Examples are:
  - Falsification of data-ranging from outright fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with the intent to falsify results.
  - Plagiarism-representation of another's work as one's own.
  - Misappropriation of others' ideas-the unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.
• A deliberate failure to comply with University and/or sponsoring agency requirements affecting specific aspects of a research project, e.g., the protection of human subjects, the welfare of laboratory animals, or the use of recombinant DNA techniques.

• A clear lack of adequate supervision of students and other research personnel by faculty for insuring that data are appropriately collected and reported.

• A major and deliberate failure to comply with other legal requirements governing research.

**Process for Handling Allegations of Research Misconduct**

The University process for handling allegations of research misconduct involves three stages: inquiry, investigation, and resolution.

When an inquiry is initiated, Western Kentucky University has a responsibility to pursue an allegation of research misconduct fully and to resolve questions regarding the integrity of research. In the inquiry and any investigation which may follow, the University will attempt to focus on the substance of the issues and be vigilant not to permit personal conflicts between colleagues to obscure the facts.

In order to address all allegations of research misconduct expeditiously, the University designates the dean of the appropriate college as the administrator to whom allegations are to be reported. If the dean has a conflict of interest with a case, the allegation will be pursued by another administrator designated by the Vice President for Academic Affairs.

The dean of the college involved will pursue all allegations to resolution. The dean will consult in confidence with any individual who comes forward with an allegation of research misconduct. If the dean determines that the concern is addressed appropriately through policies and procedures designed to deal with misconduct in research, the subsequent inquiry and investigation procedures will be discussed with the individual who raised the questions about the integrity of a research project. If the individual chooses not to make a formal allegation, but the dean believes there is sufficient cause to warrant an inquiry, the matter will be pursued; in such a case, there is no "complainant" for the purposes of this document.

**Inquiry**

**Purpose**

Whenever an allegation of misconduct is filed, the dean will initiate an inquiry--the first step of the review process. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is not a formal hearing; it is designed to separate allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken allegations.

**Structure**

The inquiry process may be handled with or without a formal committee, at the discretion of the dean. Regardless of the approach chosen, it is the responsibility of the dean to ensure that the inquiry is conducted in a fair and just manner.

If individuals are chosen to assist in the inquiry process, they should have no real or apparent conflicts of interest with the case in question, be unbiased, and have an appropriate background for judging the issues being raised. If the alleged research misconduct is a failure to comply with regulations regarding the use of human subjects, laboratory animals, or recombinant DNA in research, these individuals will be selected by the dean from the compliance committee dealing with the issue.


**Process**

Upon initiation of an inquiry, the dean will notify the respondent (accused of misconduct) in writing within a reasonable period of time of the charges and the process that will be followed. If the committee method is to be used, the committee members will be appointed and convened.

Whether a case can be reviewed effectively without the involvement of the complainant depends upon the nature of the allegation and the evidence available. Cases that depend specifically upon the observations or statements of the complainant cannot proceed without the open involvement of that individual; other cases that can rely on documentary evidence may permit the complainant to remain anonymous.

The respondent will be given copies of written documents (if any) that support the allegations. To ensure the safety and security of any written documents associated with the allegation, committee members will be asked to review a copy of such documents within the office of the appropriate dean.

When the inquiry is initiated, the respondent will be reminded of the obligation to cooperate in providing the material necessary to conduct the inquiry. Uncooperative behavior is unacceptable, and may result in immediate implementation of a formal investigation. The respondent will be invited to present a written response to the allegations, and this response will become part of the case file maintained in the office of the dean.

Due to the sensitive nature of an alleged case of research misconduct, the university will strive to resolve each case expeditiously. The inquiry phase will normally be completed and a written report of the findings filed for the institution’s own record within thirty (30) days of written notification to the respondent. A thirty-day period meets the federal regulatory requirements. If the committee anticipates that the established deadline cannot be met, a report, citing the reasons for the delay and progress to date, will be filed with the dean, and the respondent and appropriately involved individuals will be informed.

**Findings of the Inquiry**

The completion of an inquiry is marked by a determination of whether or not an investigation is warranted. There will be written documentation to summarize the process and conclusion of the inquiry. The complainant and respondent will be informed by the dean of the outcome of the inquiry. Allegations found to require investigation will be forwarded to the investigative body discussed below. At this point, any agency sponsoring the research will be notified of a pending investigation.

If an allegation is found to be unjustified but has been submitted in good faith, no further formal action other than informing all involved parties will be taken. The proceedings of the inquiry, including the identity of the respondent, will be held in strict confidence to protect the parties involved. If confidentiality is breached, the university will take reasonable steps to minimize the damage to reputations that may result from inaccurate reports.

If an unjustified allegation is found to have been maliciously motivated, disciplinary actions will be recommended to the Vice President for Academic Affairs.

**Investigation**

**Purpose**

An investigation will be initiated only after an inquiry issues a finding that an investigation is warranted. The investigation's purpose is to explore further the allegations and determine whether there has been research misconduct. At any time during the investigation the respondent may be represented by legal counsel. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent will be informed in writing
when significant new directions of investigation are undertaken. The investigation will focus on accusations of misconduct as defined previously and examine the factual materials of each case. The investigation will look carefully at the substance of the charges and examine all relevant evidence.

**Structure**
Except in the circumstance discussed in the next paragraph, the investigating body will be a five-person ad hoc committee appointed by the Vice President for Academic Affairs to handle the investigation. Members of the investigative committee may be chosen from within or outside the university. Those investigating the allegations will be selected in full awareness of the closeness of their professional or personal affiliation with the complainant or the respondent. Any prospective member who has a conflict of interest in a case will not be permitted to be involved in that case. It is important, however, that the committee have appropriate research expertise to assure a sound knowledge base from which to work.

If the alleged research misconduct is a failure to comply with regulations involving the use of human subjects, laboratory animals or recombinant DNA in research, the appointed committee will be the full university compliance committee on that subject at the time of the investigation, rather than the five-person committee indicated above.

**Process**
Upon receipt of the inquiry finding that an investigation is warranted, the dean will ask the Vice President for Academic Affairs to initiate the investigation promptly. The complainant and respondent will be notified in writing of the investigation; the written summary of the inquiry stage will be included with this notification. All involved parties are obligated to cooperate with the proceedings in securing additional data related to the case. All necessary information will be provided to the respondent in a timely manner to facilitate the preparation of a response. The respondent will have the opportunity to address the charges and evidence in detail.

In the interim, the university will, if necessary, act to protect the health and safety of research subjects, patients, students, or any other persons at risk. Administrative action could range from complete suspension to slight restrictions in the activities of the respondent. Interim administrative action will be taken in full awareness of how it might affect other individuals and the ongoing research within the institution.

The written record for the investigative stage will be handled in the same manner as for the inquiry stage, i.e., one copy of the record will be given to the respondent, a second, maintained by the Office of the Vice President for Academic Affairs, will be available for inspection by the committee.

All significant developments during the investigation, as well as the final findings of the committee, will be reported to any sponsor of the research. When the investigation is concluded, all entities initially notified of the investigation will be informed of its final outcome.

The university will attempt to complete an investigation within 120 days. If the deadline cannot be met, an interim report will be submitted by the committee to the Vice President for Academic Affairs with a request for an extension.

**Findings of the Investigation**
The findings of the investigative committee will be submitted in writing to the Vice President for Academic Affairs. The respondent will receive the full report of the investigation.

**Appeal/Final Review**
In the event of a finding of research misconduct, the university will provide the respondent with an appeal opportunity. A written appeal of the investigative committee's decision is to be addressed to the Vice President for Academic Affairs and should be restricted to the body of evidence already presented. The appeal must be filed within two weeks of a finding of research misconduct.
Special Conditions

The institution is responsible for notifying the funding agency if it ascertains at any stage of the inquiry or investigation that any of the following conditions exist:

- There is an immediate health hazard involved;
- There is an immediate need to protect Federal funds or equipment;
- There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as co-investigators and associates, if any;
- It is probable that the alleged incident is going to be reported publicly;
- There is a reasonable indication of possible criminal violation. In that instance, the institution must inform the funding agency within 24 hours of obtaining that information.

Resolution

No Finding of Misconduct

When the investigation finds no support for allegations of research misconduct, all federal agencies, sponsors, or other entities initially informed of the investigation will be notified promptly by the Vice President for Academic Affairs. The findings of the investigation will be retained in a confidential and secure file within the Office of the Vice President for Academic Affairs.

If unjustified allegations of misconduct were found to have been maliciously motivated, appropriate disciplinary actions will be recommended to the Vice President for Academic Affairs. If the allegations, however incorrect, were found to have been made in good faith, no disciplinary measures will be taken and efforts will be made to prevent retaliatory actions.

Finding of Misconduct

Notification

In the event of a finding of misconduct, the investigative committee will provide the Vice President for Academic Affairs with a recommendation as to the agencies to be notified. All federal agencies, sponsors, or other entities initially informed of the investigation will be notified promptly of the finding of misconduct.

Consideration will also be given to formal notification of other involved parties. The following list of such parties is illustrative but not exhaustive.

- Co-authors, co-investigators, collaborators
- Editors of journals in which fraudulent research was published
- Sponsoring agencies and funding sources with which the individual has been affiliated
- Professional societies

Disciplinary Action

In the event of a misconduct finding, the investigative committee will provide the Vice President for Academic Affairs with a recommendation as to the disciplinary action to be taken. University disciplinary action will be in proportion to the misconduct. The following list of possible university actions is illustrative:

- Removal from a particular research project
- Letter of reprimand
- Suspension
- Salary reduction
- Rank reduction
- Special monitoring of future work
- Probation
- Termination of employment

The recommendation will be forwarded to the President for final action. If the President does not agree with the recommendation, an alternative course of action may be taken and an explanatory statement must be filed with all involved parties including the respondent.