

## Misconduct in Research

The following policies and procedures are designed to be in compliance with requirements by the National Science Foundation and the U.S. Department of Health and Human Services.

Misconduct or apparent misconduct undermines public trust in university research. This document proposes to address procedures for dealing effectively, efficiently, and fairly with allegations of misconduct in research. These procedures are designed to cover such problems as fraud; plagiarism, and other improprieties of authorship (e.g., improper inclusion or exclusion of authors); knowing misrepresentation of data, procedures of data analysis; abuse of confidentiality including misappropriation of data; violation of federal, state, or university research regulations including requirements for protection of researchers, human subjects, or the public or for ensuring welfare of laboratory animals. These regulations apply to all faculty and staff.

### 1. Reporting Allegations

Initial reports of suspected misconduct should be brought to the attention of the immediate supervisor of the accused/suspect. If this is not the Chairperson, he or she shall notify the Chairperson who will in turn notify the Dean or next higher administrative official. Allegations involving the Dean are to be brought to the Vice President for Academic Affairs.

### 2. Initial Inquiry

Upon receipt of such a report, the immediate supervisor (usually the Chairperson), shall within 10 days, report the allegation in full and in writing to the accused individual without identifying the individual (s) who initiated the report. If the accused be other than departmental faculty/staff, then reference herein to "Chairperson" means the accused person's next higher administrative supervisor and "Dean" means that supervisor's immediate administrative supervisor. During this 10-day period, the Chairperson and his/her Dean shall conduct a confidential administrative review. "Confidential" in this case means looking at available evidence but not asking questions that might identify, incriminate, or cast suspicion on the person accused. Uncooperative behavior may result in an immediate investigation and other institutional sanctions.

If Chairperson and Dean find the charge is without substance, they shall document their decision, and the case will be dropped with an apology to the accused and without prejudice to any person involved. The person initiating the charge will be informed in writing of the outcome.

If, however, the Chairperson and Dean find reasonable grounds for the charge, they shall advise the accused of their finding in writing, identify the accuser (s) to the accused and present the accused with a copy of this procedures document. Immediately thereafter they will appoint a committee of peers of the accused to determine whether a formal investigation is warranted; the Peer Committee will consist of three individuals, from Radford University, one chosen by the Chairperson/Dean, one chosen by the accused, and one mutually acceptable to both parties, as chair. The individuals appointed must be objective, impartial and must possess, where required the competence to understand the research in question. Both, the accused and the person who

filed the complaint shall at this time, be informed in writing of the formation and purpose of the Peer Committee. The accused may at any time be accompanied and assisted by legal or collegial counsel.

### 3. Preliminary Investigation

The Peer Committee shall conduct a confidential review of the alleged misconduct and report their findings to the Dean and Chairperson within 30 days. If the Committee anticipated that the deadline cannot be met, a report, citing reasons for the delay and the progress to date must be submitted to the Dean and Chairperson and the individuals involved must be notified.

As part of the review, the Peer Committee may solicit testimony from the accused and from individuals having specific knowledge of aspects of the case. These individuals will at the request of the committee, be summoned by the Dean/Chair who will caution them about the need for complete confidentiality and provide the committee with relevant unsolicited written information at any time during the review.

Within 10 days following the transmittal of the Peer Committee report to the Chairperson and Dean, the Peer Committee, Chairperson and Dean will vote to pursue or drop the charges, based on the evidence. A majority vote is required to pursue the allegation or it will be dropped. The accused and accuser will be informed in writing of the outcome. Based on the recommendations of the Committee the Dean shall either dismiss the allegations for lack of merit, resolve them through informal processes without further investigation, or initiate a formal investigation.

### 4. Formal Investigation

If the Dean determines that further investigation is warranted, he/she will appoint a Formal Investigation Committee, with a membership of five faculty members, distinct from the Peer Committee. Those appointed must be objective, impartial, and must possess sufficient competence to understand the research in question. It must be understood that irreparable damage to the reputation of the accused can result from soliciting information from his or her colleagues, especially those from outside the University community, even when complete confidentiality is requested.

Should the Dean decide to initiate formal investigation, he or she will notify the President, the Vice President for Academic Affairs, any sponsoring agency, and if a pending work is in question, the publishers or any recipient organization.

If the accused leaves the institution or refuses to cooperate, the investigation will continue according to the prescribed procedures.

A complete transcript of the testimony taken by the Committee will be recorded and retained by the Dean for future reference, but only for use by the accused or if the case be continued or reopened.

In conducting the investigation, the Committee shall comply with such procedures as may have been promulgated by the President of the University. Because the findings will serve as a factual basis for any subsequent disciplinary action against the accused, procedures must allow a full and fair opportunity for the accused to be informed of and defend against the charges. At a minimum, any rules must include the following provisions:

1. right of the accused to a clear written statement of the charges;
2. right of the accused to appear before the Committee and present testimony on his or her behalf;
3. right of the accused to be accompanied by counsel when appearing before the Committee;
4. right of the accused to a copy of a tape-recording which shall be made of all testimony; however, the Committee shall deliberate and may discuss procedural matters in executive session;
5. right of the accused to examine the Committee's file of non-confidential documents, receive a draft of the Committee's final report, and comment upon it in writing and/or by appearing before the Committee to present arguments in rebuttal;
6. right of the accused to a finding determined by majority vote on the basis of a preponderance of evidence;
7. right of the accused to a prohibition on all Committee members, additional staff and secretarial assistants from disclosing Committee proceedings at any time, except as otherwise provided by these rules.

The Committee shall conduct its investigation with deliberate speed and submit to the Dean a written report of its findings and conclusions along with the entire file on the case. This should happen within 120 days of its appointment. The accused shall receive from the Dean, progress reports at appropriate intervals during the formal investigation, a copy of all progress reports submitted to others, and a final report of findings, recommendations, and Radford University disciplinary action upon completion of the investigation.

Investigations may result in various outcomes including:

1. a finding of fraud;
2. a finding of serious research misconduct short of fraud;
3. a finding that no culpable conduct was committed, but serious research errors were discovered,
4. a finding that no fraud, misconduct or serious research error was committed.

If the Formal Investigation Committee determines that the charges are not supported, all parties in the case, including the granting agency, and those asked for testimony, will be informed immediately to that effect, in writing by the Dean, and recorded testimony shall be destroyed.

If the Committee determines that there have been fraudulent or unethical practices by the accused, all parties to the case, including the granting agency and those asked for testimony, shall be informed immediately to that effect, in writing by the Dean. The Dean or his or her designate, will initiate proceedings for appropriate disciplinary action only as the Formal Investigation Committee finds.

If the accused believes that he or she has been charged unfairly or judged improperly, he or she may then initiate grievance proceedings under existing Radford University policies and practices. It is recommended that the accused read and understand grievance procedures outlined in the *Faculty Handbook* at an early stage of misconduct proceedings. The outcome shall be reported to any organization given prior notice of the inquiry.

If the Dean agrees that the allegations are without merit, he or she shall make all reasonable efforts to protect or restore the reputation of accused parties. If the Dean finds that allegations were made in bad faith he or she shall recommend appropriate action against the reporter (s), in accord with the relevant disciplinary regulations of the University.

Approved: 1984