

The University Senate of Michigan Technological University

PROPOSAL 8-98

REVISION OF SCIENTIFIC MISCONDUCT PROCEDURES

F Scientific Misconduct Procedures

1. Preamble

A major goal of the University is the furthering of research. The University upholds the scientific method in the conduct of research and other scholarly activities and is committed to the ethical conduct of research by its faculty, staff and students.

A requirement of valid experimental observation or theoretical deduction is that the data and/or the conditions of obtaining the data and results can be verified, either by scrutiny of accurate records made at the time of experimentation or by repetition of the experiments or theoretical deduction.

These procedures shall apply to all faculty, staff, and students involved in allegations of scientific misconduct.

2. Definitions

Conduct inconsistent with the ethical conduct of research and which is considered scientific misconduct includes:

A. Serious deviation from commonly accepted practices in the scientific community in proposing, conducting or reporting research. This may include:

1. Inappropriate transmission of experimental observations, data or the results of experiments including fabrication, falsification, deception, misrepresentation, or arbitrary selection of experimental observations, data or results of experiments.

2. Plagiarism or other appropriation of the work of another individual and presenting it as if it were one's own or without credit to the originator as is required by commonly accepted practices in the scientific community;

B. Material failure to comply with funding agency (Federal, State, or private, etc.) requirements that uniquely relate to the conduct of the research; and

C. Retaliation against a person who, acting in good faith, has reported or provided information about alleged misconduct.

3. University Responses to Scientific Misconduct

Faculty, staff, and students involved in scientific misconduct or false allegations of such conduct may be subject to University disciplinary procedures.

Possible University sanctions may include, but are not limited to, removal from the graduate faculty, sending a letter of reprimand, setting special conditions on research activities, requiring special certifications or assurances of compliance, dismissal from degree programs and/or termination of employment. Any termination of employment or removal from the graduate faculty shall occur in a

manner consistent with existing applicable University policies on employment practices and academic tenure. Any removal of students from degree programs should follow existing applicable university policies. The University may impose limitations or special reviews on the research activities or expenditures of affected individuals.

4. University Reaction to an Allegation of Misconduct

When scientific misconduct is alleged, a thorough and timely process shall take place within the University to provide adequate opportunity for reaching valid conclusions about the alleged misconduct. It is imperative that due process be followed as described by the procedures herein and that protection be afforded to the rights and reputation of both the person(s) against whom the allegations have been made and the person(s) bringing the allegations, collaborators of the person(s) against whom the allegations have been made, those investigating the allegations, any sponsoring agency, any publisher, and the University. The University shall make legal counsel available to any committee formally investigating the allegations if requested by that committee.

5. Confidentiality and Conflicts of Interest

During inquiries into and investigation of allegations, all parties having knowledge of the allegations, including the person(s) against whom the allegations have been made and the person(s) bringing the allegations, shall be responsible for maintaining the confidentiality of the proceedings and all evidence developed during these proceedings. Precautions shall also be taken against real or apparent conflicts of interest on the part of those individuals involved in reviewing the allegations. If a member of a committee formally investigating the allegations is aware of any factors which might compromise his or her impartial review of alleged misconduct in a particular case, this person shall excuse himself/herself from the proceedings. In addition, members of committees formally investigating the allegations shall not use information derived solely from Inquiry or Investigating Committee activities as input to personnel-related decisions involving either the person(s) against whom the allegations have been made or the person(s) bringing the allegations.

All proceedings shall be in accordance with applicable rules and contractual obligations of the University.

6.0 University Procedure

6.1 Committee Structures

6.1.1 The Standing Committee of Inquiry

A Standing Committee of Inquiry is a committee established by the University Senate. This Inquiry Committee shall be a standing University committee made up of three members and one alternate. If one of the three primary members of the Inquiry committee has a conflict of interest with any of the parties involved in the alleged misconduct, or is in the same department/non-academic unit as the one in which the alleged misconduct occurred, the Vice Provost for Research and Dean of the Graduate School shall designate that this member be replaced by the alternate when transmitting the allegations to the Committee. This committee has the responsibility for assisting the Vice Provost for Research and Dean of the Graduate School, or a person appointed by the President of the University to act in place of the Vice Provost for Research and Dean of the Graduate School, in preliminary investigations into allegations of misconduct. The Standing Committee of Inquiry may decide that a Formal Committee of Investigation should be appointed to undertake a more detailed investigation into the allegations. The Standing Committee of Inquiry shall elect their own chair and establish their own operating procedure within these guidelines.

6.1.2 The Formal Committee of Investigation

The Formal Committee of Investigation should consist of five impartial members with sufficient expertise and dedication to conduct a thorough and equitable investigation. At least three of these five members shall be selected from a list of at least six University faculty/staff candidates recommended by the initial Inquiry Committee. The Formal Committee of Investigation will generally not include members of the same academic department or operating unit as those charged with scientific misconduct or be members of the Inquiry Committee, but may include up to two faculty or staff members with appropriate expertise from other institutions. The Formal Committee of Investigation, if formed, shall elect their own chair and establish their own operating procedure within these guidelines.

6.2 Initial Response to Allegations

6.2.1 Transmission of the Allegation to the Vice Provost for Research

Written allegations of scientific misconduct within the academic areas may be brought to the Head/Chair of the Department or Director of the Unit or the Dean of the College or School in which such conduct allegedly occurred. The Head/Chair shall expeditiously inform the Dean or Director who shall expeditiously inform the Vice Provost for Research and Dean of the Graduate School, who shall expeditiously inform the Executive Vice President and Provost. Allegations of scientific misconduct brought to other University officials in positions of authority shall be expeditiously transmitted to the Vice Provost for Research and Dean of the Graduate School.

If, at any time, allegations of misconduct involve a University official responsible for administering this policy, the situation shall be expeditiously reported to the President of the University. The President shall then designate another individual to fulfill the responsibilities of that official under this policy.

6.2.2 Actions of the Vice Provost for Research and the Standing Committee of Inquiry

The Vice Provost for Research and Dean of the Graduate School, or a person appointed by the President of the University to act in place of the Vice Provost for Research and Dean of the Graduate School, shall advise the person(s) against whom the allegations have been made of the allegations and within ten (10) working days of the receipt of these allegations transmit them to the Inquiry Committee for review. The purpose of this initial investigation is to determine whether or not there may be substance to the allegations warranting an investigation and to recommend appropriate action to the Vice Provost for Research and Dean of the Graduate School, or a person appointed by the President of the University to act in place of the Vice Provost for Research and Dean of the Graduate School. All written allegations of misconduct, even those brought to the attention of the University by external sources, shall be subject to initial review by this Inquiry Committee.

Private and separate sessions will be conducted by the Inquiry Committee to hear the person(s) against whom the allegations have been made and the person(s) bringing the allegations, and others as determined necessary by the Inquiry Committee. Sessions to obtain information from any persons may be conducted either in person or through electronic means such as telephone conference calls. The person(s) against whom the allegations have been made shall be informed of the allegations and given the opportunity to respond during the inquiry. All information and material gathered in the investigation shall be reviewed and kept in a secure manner.

6.2.3 Report of the Standing Committee of Inquiry

The Inquiry Committee shall submit a report and recommendation to the Vice Provost for Research and Dean of the Graduate School within thirty (30) working days after receiving the allegations for review. Under exceptional circumstances the Vice Provost for Research and Dean of the Graduate School may extend this period and shall set forth in writing the reasons for any extension. Copies of the recommendation and all pertinent documentation and evidence shall be given to the person(s) against whom the allegations were made and the opportunity to comment shall be provided to them.

Two recommendations may result from this initial inquiry: 1) the allegations have sufficient substance to warrant further investigation; or 2) the allegations are without merit. In either case, subsequent action may be recommended including such action as is necessary to restore the reputations of persons whose alleged misconduct has not been confirmed and to protect those persons having made good faith allegations.

The Vice Provost for Research and Dean of the Graduate School shall review the recommendation of the Inquiry Committee and the recommended action pursuant to University rules or contractual agreements. The decision shall be submitted in writing with the Inquiry Committee report and recommendation to the person(s) against whom the allegations have been made and the person(s) bringing the allegations, the Inquiry Committee, the Executive Vice President and Provost, and the College Dean or unit Director. The Executive Vice President and Provost shall notify the University President.

6.2.4 Response of the Vice Provost for Research to a Recommendation to Investigate and the Appointment of a Formal Committee of Investigation

If a further investigation is recommended, the Vice Provost for Research and Dean of the Graduate School shall give notice to the person(s) against whom the allegations have been made that an investigation will be conducted prior to the time that this investigation begins and that the person(s) against whom the allegations have been made shall have notice of the allegations and an opportunity to respond to this investigation. If this further investigation is warranted, the Vice Provost for Research and Dean of the Graduate School shall also determine whether sponsored research is involved. If sponsored research is involved, the Vice Provost for Research and Dean of the Graduate School shall notify the appropriate authority of the sponsoring agency prior to the time the investigation begins that an investigation will be conducted.

If any of the following conditions exist, the Inquiry or Investigating Committee shall notify the Vice Provost for Research and Dean of the Graduate School, who will, within one working day of its discovery, notify the appropriate authority of the sponsoring agency:

- A. There is an immediate health or safety risk;
- B. There is an immediate need to protect sponsored research funds or equipment;
- C. 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 his/her co-investigators and associates, if any;
- D. It is probable that the alleged incident is going to be reported publicly;
- E. There is a reasonable indication of possible criminal violation.

Any necessary notification will state that the investigation is to determine the propriety of the conduct or reporting of the research and that the agency will be appraised of the results and of any developments critical to continued funding or use of agency funds in the interim.

If a further investigation is recommended, the Vice Provost for Research and Dean of the Graduate School shall appoint, within 15 working days of the completion of the preliminary inquiry, the Formal Investigating Committee. The Committee shall begin its investigation expeditiously. The person(s) against whom the allegations have been made will be given notice of the allegations by the Vice Provost for Research and Dean of the Graduate School and shall have an opportunity to respond to the Formal Investigating Committee.

6.2.5 Functions of the Formal Investigating Committee

An appropriate deadline for completion of the investigation shall be established by the Vice Provost for Research and Dean of the Graduate School. In most cases, this deadline will be 90 working days after the appointment of the Investigating Committee. The Investigating Committee investigation shall not exceed 90 working days. The Vice Provost for Research and Dean of the Graduate School shall also inform the Committee about relevant precedents, if any, at the University in similar cases involving alleged scientific misconduct.

Necessary support (e.g., clerical, gathering information, witnesses, and record keeping) will be arranged by the Vice Provost for Research and Dean of the Graduate School. Private and separate sessions will be conducted to hear the person(s) against whom the allegations have been made and the person(s) bringing the allegations, and others, including off-campus expert witnesses, as determined necessary by the Investigating Committee. Sessions with expert witnesses may be conducted either in person or through electronic means such as telephone conference calls. Funding for essential off-campus expert witnesses called by the Investigating Committee shall be provided by the Vice Provost for Research and Dean of the Graduate School. Information and material gathered in the investigation shall be reviewed and kept in a secure manner. The person(s) against whom the allegations have been made shall be informed of all evidence against them/him/her and be provided the right to present evidence and testimony on their/his/her behalf. Either party or the Formal Investigating Committee may request a hearing in which both parties may have the opportunity to cross-examine the other party and witnesses; the Formal Investigating Committee will arrange such a hearing if both parties agree.

6.2.6 Report of the Formal Investigating Committee and University Responses to the Report

The Investigating Committee shall submit a written report of its findings, conclusions and recommendations, together with all pertinent documentation and evidence, to the Vice Provost for Research and Dean of the Graduate School and to the person(s) against whom the allegations have been made.

The Vice Provost for Research and Dean of the Graduate School shall review the report of the Investigating Committee, and develop recommendations for the Executive Vice President and Provost about appropriate University actions. These recommendations shall be submitted in writing to and reviewed with the Investigating Committee within 20 working days after receipt of the Investigating Committee report. The Investigating Committee shall be given a 20-day period to provide written comments about these recommendations. The Investigating Committee report, the recommendations of the Vice Provost for Research and Dean of the Graduate School and the Investigating Committee's comments about these recommendations shall then be transmitted to the Executive Vice President and Provost, person(s) against whom the allegations have been made and the person(s) bringing the allegations and the appropriate Dean or Director. The Executive Vice President and Provost shall transmit this information to the President.

With the advice of the University legal counsel, the Executive Vice President and Provost shall decide how to proceed under applicable University rules and contractual agreements. The Executive Vice President and Provost shall submit his/her decision in writing to the person(s) against whom the allegations have been made and the person(s) bringing the allegations, both committees, the appropriate College Dean or unit Director, the Vice Provost for Research and Dean of the Graduate School, and the University President. Individuals have a right to appeal decisions to the University President. Such appeals must be made in writing within 15 working days after notification of the Executive Vice President and Provost's decision. The President shall establish an Appeal Committee of at least three impartial members to review the matter and make recommendations. This Appeal Committee shall consist of two University faculty/staff members who are not members of previous committees, and one faculty or staff member with appropriate expertise from another institution. The Committee shall begin its deliberations within 20 working days after the Presidential appeal has been filed, and it shall report its findings back to the President within 30 working days after being convened. The President's decision shall be submitted to the person(s) against whom the allegations have been made and the person(s) bringing the allegations, the

committees, the appropriate unit Director or Department Chair and College Dean, the Vice Provost for Research and Dean of the Graduate School, and the Executive Vice President and Provost.

Collaborators of the person(s) against whom the allegations have been made shall be advised of any substantiated scientific misconduct or questions related to their research.

6.2.7 Notification of Parties External to the University

Any time that scientific misconduct as defined herein or significant errors are substantiated in any sponsored or reported research, the Vice Provost for Research and Dean of the Graduate School shall notify the sponsoring agency or publisher in writing. In addition, any party notified of a pending scientific misconduct investigation under this policy shall also be notified of the final outcome of this investigation by the Vice Provost for Research and Dean of the Graduate School.

The Vice Provost for Research and Dean of the Graduate School shall be responsible for taking such interim administrative action as is appropriate to protect research agency funds and to assure that the purposes of research agency assistance are carried out.

All evidence, reports and recordings involving the allegation, inquiry, and investigation shall be maintained in a secure manner by the Executive Vice President and Provost for at least five (5) years after the final report.

Where the rules and procedures of the National Science Foundation are involved, MTU will report as required by the statutes and regulations which may include informing the NSF if an initial inquiry supports a formal investigation, keeping NSF informed during the investigation and providing NSF with a final report from all relevant investigations.

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