

**UNIVERSITY OF PUGET SOUND
POLICY FOR RESPONDING TO ALLEGATIONS
OF RESEARCH MISCONDUCT**

1. INTRODUCTION

A. General Policy

The University of Puget Sound believes that ethical and honest behavior in scholarship is necessary for the truthful pursuit of knowledge. The University expects all persons engaged in scholarly inquiry, including scientific inquiry, to behave honestly and ethically.

B. Scope

This policy and the associated procedures apply to all individuals at the University of Puget Sound engaged in federally funded research, including scientists, trainees, technicians, and other staff members, students, fellows, volunteers, guest researchers, or collaborators at the University of Puget Sound. In accord with regulations at *42 CFR Part 93*, the policy and associated procedures apply to any research, research-training, or research-related grant, or cooperative agreement with a federal agency. Although the regulations at *42 CFR Part 93* are written with regard to human subjects research, the University of Puget Sound uses them as procedural guidelines for responding to allegations of misconduct in all types of federally funded research.

These procedures will normally be followed when an allegation of possible misconduct in research is received by an institutional official. Particular circumstances in an individual case may dictate variation from normal procedure deemed in the best interests of the University of Puget Sound and the federal agency, and should ensure fair treatment to the subject of the inquiry or investigation. Any significant variation should be approved in advance by the Academic Vice President of the University of Puget Sound.

While this policy applies to research supported by federal funding, other instances involving research misconduct allegations against faculty shall be addressed through the Faculty Code. Other instances of alleged research misconduct against students shall be addressed via the usual conduct procedures administered by an Academic Hearing Board or by the Dean of Students under the Student Integrity Code. With regard to staff, other instances of alleged research misconduct shall be addressed via the usual conduct procedures administered by the Associate Vice President for Human Resources dictated by Staff Policies and Procedures.

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II. DEFINITIONS

- A. Allegation means any written or oral statement or other indication of possible research misconduct made to an institutional official.
- B. Complainant means a person who makes an allegation of research misconduct or inadequate institutional response thereto or who cooperates with an investigation of such allegation.
- C. Conflict of interest means the real or apparent interference of one person's interest with another, where potential bias may occur due to prior or existing personal or professional relationships.
- D. Good faith allegation means an allegation of research misconduct made by a complainant who honestly believes that research misconduct may have occurred. A good faith allegation need not be objectively made nor be subsequently verified to be made in good faith. However, a complainant who recklessly disregards evidence that disproves an allegation had not made the allegation in good faith.
- E. Inquiry means information gathering and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.
- F. Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, the responsible person and the seriousness of the misconduct.
- G. ORI means the Office of Research Integrity, an independent entity within the U.S. Department of Health and Human Services (DHHS) reporting to the Secretary of Health and Human Services. The ORI is responsible for protecting the integrity of federal extramural and intramural human subjects research programs.
- H. NSF means the National Science Foundation and OIG refers to the NSF Office of the Inspector General.
- I. Research means all scientific activity, academic research, scholarly inquiry, or other professional activities that members of the university community might conduct.

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- J. Respondent means the person against whom an allegation of research misconduct is directed, or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

- K. Retaliation means any response by this institution or employee that adversely affects the employment or other status of a complainant who, in good faith, has made an allegation of research misconduct or inadequate institutional response thereto, or who has cooperated in good faith with an investigation of such allegation.

- L. Scientific misconduct or research misconduct means fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

III. RIGHTS AND RESPONSIBILITIES

A. Research Integrity Officer

The Academic Vice President will appoint the Research Integrity Officer who will have primary responsibility for adherence to the procedures set forth in this document. The Research Integrity Officer will be an institutional official who is well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Research Integrity Officer will assist inquiry and investigation committees and all institutional personnel to comply with these procedures and with applicable standards imposed by government or external funding sources. The Research Integrity Officer also is responsible for maintaining files of all documents and evidence, and is responsible for the confidentiality and the security of the file.

The Research Integrity Officer will report to the ORI as required by regulation and will keep the ORI apprised of any developments during the course of the investigation that may affect current or potential federal funding for the individual(s) under investigation or that the a supporting federal agency needs to know to ensure appropriate use of Federal funds and otherwise to protect the public interest.

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B. Complainant

The complainant shall have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to that testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

C. Respondent

The respondent shall be informed of the allegations, and shall be notified in writing of the final determinations and resulting actions. The respondent shall also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the inquiry and investigation reports, and to have the advice of counsel.

The respondent is responsible for maintaining confidentiality, and cooperating with the conduct of an inquiry or investigation.

D. Institutional Official

The Academic Vice President will appoint inquiry and investigation committees and will ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The Academic Vice President also will ensure that interim administrative actions are taken, as appropriate, to protect federal funds and to ensure that the purposes of the Federal financial assistance are carried out.

The Academic Vice President will receive the report and written comments of the respondent and the complainant, if any are made. The Academic Vice President will consult with the Professional Standards Committee and shall determine whether to conduct an investigation, or impose sanctions or take appropriate administrative actions (see Section X).

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IV. GENERAL POLICIES

A. Responsibility to Report Misconduct

All employees or individuals associated with the University of Puget Sound are required to report observed, suspected, or apparent misconduct in research to the Research Integrity Officer or to the Academic Vice President. If an individual is unsure whether a suspected incident of misconduct falls within the definition, he or she may call the Academic Vice President at 253-879-3205 to discuss the suspected misconduct informally.

B. Preliminary Assessment

Upon receiving an allegation of research misconduct, the Research Integrity Officer shall immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry. In assessing the allegation, the Research Integrity Officer also shall determine whether federal support or federal applications for funding are involved, and whether the allegation falls under the federal definition of misconduct in research.

C. Cooperation with Inquiries and Investigations

University of Puget Sound employees and students shall cooperate with the Research Integrity Officer and other appropriate officials in the review of allegations and the conduct of inquiries and investigations. Employees and students have an obligation to provide relevant evidence to the Research Integrity Officer or other institutional officials on misconduct allegations.

D. Protection of Respondents

Inquiries and investigations will be conducted in a manner that will ensure fair treatment to the subject(s) of the inquiry or investigation and confidentiality to the extent possible consistent with protecting public health and safety and with carrying out the inquiry or investigation.

Institutional employees and students who are accused of research misconduct have the right to consult private legal counsel and to bring counsel for personal advice during interviews or meetings on the case.

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E. Protection of Complainants

At any time, an employee or student complainant may have confidential discussions and consultation about concerns of possible misconduct with the Research Integrity Officer or the Academic Vice President and will be counseled about appropriate procedures to report allegations.

The Research Integrity Officer will monitor the treatment of individuals who bring allegations of misconduct or inadequate institutional response thereto, or who cooperate in inquiries or investigations. If the complainant requests anonymity, the institution will make an effort to honor the request within applicable policies and regulations and state and local laws. Institutions are required to undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations. The Research Integrity Officer will ensure that those making an allegation in good faith or cooperating with an inquiry or investigation into an allegation of misconduct will not be retaliated against in the terms and conditions of their employment or other status at the institution. Instances of apparent retaliation will be reviewed by the Academic Vice President for appropriate action.

If retaliation is confirmed, complainants will be consulted regarding appropriate corrective actions taken on their behalf to restore or protect their positions or reputations.

F. Securing Data and Evidence

The first step after determining that an allegation falls within the definition of misconduct in research is to sequester all related research records and materials. The Office of Research Integrity Division of Education and Integrity at 240-453-8400 can provide advice and assistance in this regard. The Research Integrity Officer must ensure immediate securing of all relevant materials.

V. INQUIRY

A. Purpose

The University of Puget Sound will inquire immediately into an allegation or other evidence of possible misconduct. The purpose of the inquiry is to evaluate the situation to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of

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the inquiry is not to reach a final conclusion whether misconduct occurred or who was responsible.

B. Charge to Committee

The charge to the inquiry committee should specifically limit its scope, as required by *42 CFR Part 93*, to evaluate the facts only to determine whether there is sufficient evidence of research misconduct to warrant an investigation.

C. Appointment of Inquiry Committee

If the Academic Vice President decides that an inquiry should be conducted, the Academic Vice President, in consultation with the Research Integrity Officer, will appoint an inquiry committee within 10 working days from the decision to initiate an inquiry consisting of one or more individuals who do not have conflicts of interest in the case, are unbiased, and have appropriate qualifications to evaluate the issues raised.

Following the Academic Vice President's decision to conduct an inquiry, the Research Integrity Officer will notify the respondent of the proposed committee membership as soon as possible, but no later than 5 working days following the appointment of the inquiry committee members. If the respondent submits a written objection within 5 working days to any of the persons appointed to the inquiry committee based on bias or a conflict of interest, the Academic Vice President may replace the challenged person with a qualified substitute.

D. Inquiry Process

Inquiries normally will involve interviewing the complainant, the respondent, and key witnesses, and examining relevant research records and materials.

E. Time Limit for Completing Inquiry Report

The inquiry committee will complete the inquiry and submit its report in writing no more than 60 calendar days following its initiation, with the initiation being defined as the date the committee is appointed. If the Academic Vice President approves an extension of this time limit, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

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F. Inquiry Report Contents

A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusion of the inquiry as to whether an investigation is warranted.

G. Comments By Respondent and Complainant

The individual(s) against whom the allegation was made will be given a copy of the report. If they can be identified, the person(s) who raised the allegation shall be provided with only those sections of the report that address their role and opinions in the inquiry.

Complainants and respondents shall have 14 calendar days to comment on the report or rebut any findings contained therein. Any comments that the complainant or respondent submits on the report will become part of the inquiry record.

H. Decision By Institutional Official

After receiving both the report and the written comments of the respondent and complainant, if any are made, the Academic Vice President, after consulting with the Professional Standards Committee, shall determine whether to conduct an investigation, drop the matter, or to take some other appropriate action.

VI. INVESTIGATION

A. Purpose

The purpose of the investigation is to examine and evaluate all relevant facts to determine whether research misconduct has been committed, and if so, the responsible person and the seriousness of the misconduct.

B. Charge to Committee

The Academic Vice President, after reviewing the inquiry report, will define the subject matter of the investigation in a written charge to the committee.

C. Appointment of Investigation Committee

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After the respondent has been notified that an investigation will be conducted, the Academic Vice President, after consulting with the Research Integrity Officer and the Professional Standards Committee, will appoint an investigation committee consisting of at least three persons within 10 working days. These individuals should not have any real or apparent conflicts of interest with the respondent or the case in question, and they must have the necessary expertise to examine the evidence, interview the witnesses, and conduct the investigation.

The Research Integrity Officer will notify the respondent of the proposed committee membership within 5 working days. If the respondent submits a written objection within 5 working days to any of the persons appointed to the investigation committee, the Academic Vice President may decide to replace the challenged person with a qualified substitute.

D. Investigation Process

The investigation committee will be appointed and the process initiated within 30 working days of the completion of the inquiry, if findings from that inquiry provide sufficient basis for conducting an investigation.

The investigation normally will include examination of all documentation including, but not necessarily limited to, relevant research data materials, proposals, publications, correspondence, memoranda, and notes of telephone calls. Whenever possible, interviews will be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegation. All interviews will be transcribed or tape recorded. Complete summaries of these interviews will be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

E. Time Limit for Completing Investigation Report

An investigation will normally be completed within 120 calendar days of its initiation, with the initiation being defined as the date the investigation committee is appointed. This includes conducting the investigation, preparing the report of findings, making the report available for comment by the subjects of the investigation, submitting the report to the Academic Vice President for approval, notifying the respondent of the decision, and submission to the ORI.

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F. Comments by Respondent and Complainant

The individual(s) against whom the allegation was made will be given a copy of the report. If they can be identified, the person(s) who raised the allegation shall be provided with only those sections of the report that address their role and opinions in the investigation.

Complainants and respondents shall have 30 calendar days to comment on the report or rebut any findings contained therein. Any comments that the complainant or respondent submits on the report will become part of the investigation report.

G. Decision by Institutional Official

The Academic Vice President will decide whether misconduct has occurred, and what sanctions or administrative actions are to be undertaken (see Section X). The Academic Vice President shall notify the respondent of the decision no later than 5 working days following the end of the comment period.

H. Appeal

The respondent will have 5 working days following notification of the decision by the Academic Vice President to request an appeal of the decision. A request for an appeal must be filed with the office of the Academic Vice President. If the respondent is a faculty member, the appeal shall be handled in accordance with Chapter VI, Sections 4 & 5 (“Grievance Procedures” and “President’s Action”) of the Faculty Code including the provision that parties to the grievance, which may include the Academic Vice President and any other member of the Professional Standards Committee who was involved in either the inquiry or investigation are automatically recused from serving on the grievance committee. If the respondent is a student, the appeal process of the Student Integrity Code (IV. Review) will be used. If the respondent is a staff member, the relevant appeal provisions of the Staff Policies and Procedures will be employed.

The appeal process, including the President’s Action, shall be completed within 120 calendar days of the notification of the intent to appeal. If the appeal cannot be completed within 120 days, the University must ask ORI for an extension in writing and provide an explanation for the request.

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Following the President's Action, the Academic Vice President shall integrate any needed changes into the investigation report.

I. Final Report Contents

The final report submitted to ORI must state the policies and procedures under which the investigation was conducted, describe how and from whom information was obtained relevant to the investigation, state the findings, and explain the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as description of any sanctions taken by the institution.

J. Referral of Non-Research Misconduct Issues

When the investigation discloses non-research misconduct issues, the Academic Vice President shall refer these matters to the proper University of Puget Sound or governmental authority for further action. Regardless of whether the suspected misconduct implicates the Faculty Code, the Student Integrity Code, or Staff Procedures, University of Puget Sound's processing of non-research misconduct issues will commence after the University completes its investigation of the underlying research misconduct issues.

VII. NOTIFICATION AND REPORTING REQUIREMENTS

A. Reporting to ORI

- (1) The University of Puget Sound's decision to initiate an investigation will be reported in writing to the Director, ORI, on or before the date the investigation begins. For research funded by the NSF, suspected research misconduct must also be reported to the NSF Office of the Inspector General; the NSF OIG may conduct its own investigation or defer to the University's process. At a minimum, the notification will include the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the federal applications or grant number(s) involved. ORI will also be notified of the final outcome of the investigation. Any significant variations from the provisions of the institutional policies and procedures will be explained in any reports submitted to the ORI.

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- (2) If the University of Puget Sound plans to terminate an inquiry or investigation for any reason without completing all relevant Federal requirements, the Research Integrity Officer shall submit a report of the planned termination to ORI, including a description of the reasons for the termination. ORI will then decide whether funding investigation should be undertaken.
- (3) If the University of Puget Sound determines that it will not be able to complete the investigation in 120 calendar days, the Research Integrity Officer shall submit to the ORI a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps. If the request is granted, the Research Integrity Officer shall file periodic progress reports as requested by the ORI. If satisfactory progress is not made in the institution's investigation, the ORI may undertake an investigation of its own or take other steps as appropriate.
- (4) When federal funding or applications for funding are involved and an admission of research misconduct is made, the Research Integrity Officer will notify the ORI immediately for consultation and advice. Normally, the individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. The University of Puget Sound will not accept an admission of research misconduct as a basis for closing a case or not undertaking an investigation, without prior approval by ORI when the case involves federal funds.
- (5) The Research Integrity Officer shall keep ORI apprised of any developments during the course of the investigation which disclose facts that may affect current or potential federal funding for the individual(s) under investigation or that the supporting federal agency needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.

The Research Integrity Officer shall notify ORI at any stage of the inquiry or investigation when:

- (a) There is an immediate health hazard involved;

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- (b) There is an immediate need to protect Federal funds or equipment;
- (c) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual 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; or
- (e) There is a reasonable indication of possible criminal violation. In this instance the University of Puget Sound will inform ORI (and the NSF OIG, as appropriate) within 24 hours of obtaining that information. The ORI or NSF OIG may determine what information may be shared with law enforcement investigators, if any. The University's process may be held in abeyance pending guidance from the appropriate federal authority or concurrent law enforcement investigation.

B. Notification of Other Involved Individuals or Parties

If the Academic Vice President decides that an investigation will be conducted, the Research Integrity Officer will notify both the respondent and the complainant in writing, and remind them of their obligation to cooperate in the investigation. The Research Integrity Officer will also notify appropriate campus administrators.

When a final decision on the case has been reached, the Academic Vice President will notify both the respondent and complainant in writing. In addition, the Academic Vice President will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other concerned parties, should be notified of the outcome of the case. The Research Integrity Officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

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VIII. OTHER CONSIDERATIONS

- A. Termination of Institutional Employment or Resignation Prior to Completing Inquiry or Investigation

The termination of institutional employment of the respondent, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate, and the effect on its review of all the evidence.

- B. Restoration of Reputations

Diligent efforts will be undertaken to restore the reputation of the respondent if the respondent is not found guilty of research misconduct.

The Research Integrity Officer will ensure that all reference to the matter is expunged from the respondent's personnel file. All persons who have been interviewed or otherwise informed of the charge will be notified in writing that the charges have been dropped. Respondents will be consulted regarding other actions that might be taken on their behalf to restore their reputations.

- C. Interim Administrative Actions

Institutional officials will take interim administrative actions, as appropriate, to protect Federal funds and insure that the purposes of the Federal financial assistance are carried out.

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IX. RETENTION OF RECORDS

Sufficiently detailed documentation of inquiries that do not proceed to an investigation shall be maintained for at least three years after the termination of the inquiry to permit later assessment of the case.

After completion of a case and all ensuing related actions, the Research Integrity Officer will prepare a complete file, including the original records of any inquiry or investigation, and copies of all documents and other materials furnished to the Research Integrity Officer or committees. The Research Integrity Officer will retain the file for three years from the date that the University of Puget Sound closes the case, or if the inquiry or investigation is reported to ORI, from the date that ORI completes its review of the case and all related actions. Access to materials in the file shall be available to the ORI or other authorized federal personnel upon request.

X. SANCTIONS AND ADMINISTRATIVE ACTIONS

The University of Puget Sound shall impose appropriate sanctions on individuals when an allegation of misconduct has been substantiated.

If the Academic Vice President determines that the alleged misconduct is substantiated by the findings, he/she will decide on the following actions, after consultation with the Research Integrity Officer and the Professional Standards Committee. The actions may include:

- (1) restitution of funds to any sponsoring agency as appropriate;
- (2) withdrawal or correction of all pending or published abstracts and papers emanating from the research in question;
- (3) removal from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment.

XI. Nothing in this policy shall be construed in such a way as to contradict the provisions of the University of Puget Sound *Faculty Code, Student Integrity Code, or Staff Procedures.*

Policy Owner: Academic Vice President

Affirmed by the Professional Standards Committee: April 8, 2013

Approved by the President's Cabinet: April 30, 2013