

# BUFFALO STATE COLLEGE

## DIRECTORY OF POLICY STATEMENTS

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SUBJECT: **Guidelines for Scientific Misconduct**

### Responsible Conduct in Intellectual and Creative Activity

This policy sets forth principles and guidelines for ethical conduct of intellectual and creative activity, as well as campus procedures for dealing with allegations of misconduct in these activities. This policy applies to all members of the campus community, including administrators, faculty, staff, students and visiting fellows, engaged in scholarly activities, whether or not they are supported by external funds.

#### Definitions:

Research misconduct is defined by federal policy as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. The following principles of ethical conduct are based on those developed by the Society of Sigma Xi, the honorary research society of North America. Although not all-inclusive, this list does guide such scholarly activities:

- Honesty and integrity: only honest data are used and no data are taken from other sources without proper and clear attribution to the source.
- Fabrication, falsification, and plagiarism are violations of research/creative activity integrity.
- State and Federal requirements regarding specific rules of conduct are followed.
- Fabrication is defined as making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment or processes, and changing or omitting data or results such that the research is not accurately represented in the record.
- Plagiarism is the appropriation of another person's ideas, processes, results or words without giving appropriate credit.
- Deliberate violation of regulations such as repeated or willful failure to comply with regulations concerning the use of human subjects, care of animals or the health and safety of individuals and the environment.

-Failure to meet legal or fiscal requirements governing the activity, such as misuse of funds or use of resources for personal gain.

-Research misconduct DOES NOT include honest error or differences of opinion.

## FINDINGS OF MISCONDUCT REQUIREMENTS

A finding of misconduct requires that: there be significant departure from accepted practices of the relevant community; the misconduct be committed intentionally, or knowingly or recklessly AND the allegation must be proven by a preponderance of the evidence.

## PROCEDURES FOR RESPONSE TO ALLEGATION OF MISCONDUCT TWO-STEP PROCESS:

An allegation of misconduct is evaluated in a two-step process as follows:

Inquiry – this is an information gathering and initial fact finding to determine whether or not an allegation warrants a formal investigation.

Investigation – this is a formal examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place.

## GUIDING PRINCIPLES:

Maximize confidentiality for the subject of the inquiry/investigation and for the complainant at the inquiry phase.

Assure subject a fair hearing.

Minimize the number of individuals involved at both stages.

Subject of misconduct and the complainant will have the right to representation and/or legal counsel of their choosing at all stages.

Confidential consultation with faculty and other individuals will be utilized throughout all stages.

All pertinent facts uncovered by inquiry or investigation must be documented.

All materials related to an inquiry or investigation such as facts, data, evidence, transcripts of meetings and interviews shall be secured by the College and stored for a period of at least three years after termination of inquiry or investigation.

All parties shall have the opportunity to present evidence, call witnesses and to examine or RCOs-examine them

#### PERSONNEL INVOLVED:

The Provost, will appoint an administrator to serve as Research Conduct Officer (RCO) (Director, Research Administration and Services) who will receive written allegation of misconduct. In cases where the Research Conduct Officer has a conflict of interest, or the appearance of a conflict of interest, the Provost will appoint another designee to handle the allegation.

#### Duties of Research Conduct Officer:

-Receive written allegations, ensuring that they bear the name and signature of the person(s) making the allegation. The allegation should identify the person alleged to have committed misconduct, and identify the nature of the misconduct, including when and in what manner such alleged misconduct has occurred.

-Upon receipt of the allegation, the Research Conduct Officer shall obtain the assistance of appropriate impartial experts, if necessary, to initiate an inquiry within ten days or as soon as is practicable to assemble appropriate expertise and secure potential evidence.

-The RCO will also notify the respondent, in writing, within 10 days of receipt of allegation, that: such allegation has been made, and inquiry initiated. This notification must include the nature of the allegation and the procedures that will be followed. It shall also specify that the respondent has the right to make a written response to the allegation and comment during course of inquiry; any comments made by the respondent will be included in the final Inquiry Report.

-The RCO will attempt to complete the Inquiry and submit a written report to the Provost and the respondent within sixty (60) days from the date of written notification to the respondent that an inquiry has been initiated.

#### THE INQUIRY REPORT

The inquiry report must include:

- a statement of the original allegation
- a statement of how the inquiry was conducted
- a summary of finding and the basis for the determination as to whether the charges warrant an Investigation
- recommendation for action to the Provost

## ROLE OF PROVOST

The Provost will determine on the basis of the inquiry report, and any other consultation deemed necessary, whether the allegations warrant a formal investigation.

If the Provost determines that an investigation is not warranted, the Provost is responsible for notifying all concerned parties. The basis of the determination should be clearly stated. Records of the inquiry shall be retained by the Research Conduct Officer for at least 3 years following termination of the inquiry.

If the Provost determines that an investigation is warranted, it should proceed within 30 days of the completion of the inquiry report.

In either case, the respondent will be given the opportunity to make written comments on the allegations, finding of the inquiry and the determination of the Provost within 15 days of receipt by the respondent of the report of Inquiry from the Provost.

## THE INVESTIGATION PHASE

If an Investigation has been deemed as warranted, and federal funds are involved, the Research Conduct Officer shall notify appropriate federal officials within the time period specified by the relevant federal agency.

The Research Conduct Officer will then appoint an Ad Hoc Committee to conduct the investigation and appoint a chair of the committee. The committee shall be composed of at least three impartial members with appropriate expertise to evaluate the allegations. Both complainant and respondent will be informed of the membership of the committee and given an opportunity for comment.

Investigation shall involve the following:

- The Research Conduct Officer shall proceed to collect and secure all materials necessary for investigation.

- All respondent will have an opportunity to address in writing any new charges or evidence.

- Appropriate transcripts will be maintained.

- RCO shall keep cognizant federal official apprised of progress.

- Committee will submit a written report of its finding and conclusion to the Research Conduct Officer within 60 days of initiation of the investigation. This report will be included in the Report of the investigation.

- The RCO will submit a written report of the results of the investigation to the Provost.

This report must include:

- a statement of the allegation

- a description of the investigative procedures followed

- a statement of persons contacted and how information was obtained

- a presentation of evidence, or lack thereof. Presumption of innocence applies.

- a statement of the findings, applying a standard of “preponderance of the evidence”.
- an assessment of the level of seriousness and extent of misconduct found (if any)
- a recommendation by the RCO to the Provost regarding the disposition of the allegation.
- a copy of this report must be sent to the respondent, who will have 15 days to respond in writing to the report. After receipt of the response, the RCO will have 15 days to forward copies of the report and the respondent’s comments to the Provost.

## DISPOSITION

The Provost is responsible for making the final determination as to whether misconduct has occurred; and is responsible for informing the respondent and all other parties accordingly.

The Provost will submit to the President the final report of the investigation, and any recommendations for further action.

The Provost will also oversee, in the case of charges being dismissed, that diligent efforts are made to restore any and all damaged reputation and to protect the reputation and position of the complainant, who made a good faith allegation. If it is determined that the complainant acted irresponsibly or dishonestly, the complainant may be subject to a charge of misconduct.

## DETERMINATION THAT MISCONDUCT HAS OCCURRED

When a determination has been made that misconduct has occurred, the Provost, at the direction of the President of the College shall:

- institute disciplinary proceedings against the individual against whom charges have been substantiated. Disciplinary actions will be based on Article 19 of the UUP Agreement for members of a UUP-represented unit.
- transmit the conclusions to RF, BSC, and any editors of journals or books in which the relevant research/products are involved, any funding sources related to the action, as appropriate.
- when federal funds are involved, a copy of the evidentiary record must be forwarded to the appropriate agency, along with the recommendation made to the Provost and the respondent’s written responses.

## APPEAL

The Provost is the final Adjudicator of all allegations of misconduct in scholarly activity subject only to appeal to the President on PROCEDURAL grounds.

Within 14 days of written notification of the Provost's determination, the respondent may appeal on the sole question of whether the procedures as contained in this document have been followed. The appeal must be in writing and must specify the procedural error.

The President shall issue a decision within 30 days either affirming or vacating the Provost's determination.

#### PROACTIVE EDUCATION OF THE CAMPUS COMMUNITY

Education of all members of the college community is essential in regard to responsible conduct in scholarly activity. The Research Conduct Officer will ensure that all Deans and Chairpersons will receive a copy of this policy with instructions that all faculty, staff, administrators, students, and visiting fellows, be informed of this policy on a yearly basis. Any failure of this process does not relieve any individual members of the campus community of the obligation to perform according to this policy.

#### REVIEW AND EVALUATION OF THIS POLICY

This policy will be periodically reviewed at least every 3 years to determine whether it is functioning as intended, or whether modifications should be made.