

POLICY ON RESEARCH MISCONDUCT

Responsible Office: Grants and Sponsored Projects

Effective Date: March 4, 2009

Responsible Official: Director, Grants and Sponsored Projects Last Revision:

I. Statement of Purpose

Research is among the most professionally regarded and highest forms of scholarship. Maintenance of high ethical standards of conduct in research activities is of vital concern to Fairleigh Dickinson University because research misconduct can inflict profound harm on the pursuit of knowledge. The purpose of this policy is to provide timely, fair, and effective procedures to address instances of research misconduct. A further purpose of this policy is ensure that research activities at Fairleigh Dickinson University are conducted in a manner that complies with University policy; applicable state and Federal laws; and the requirements of grant-makers and sponsors.

II. Scope

This University-wide policy is based on the Federal Policy on Research Misconduct and applies in that capacity to faculty, executives, professional administrators, staff, students, trainees, fellows, interns, and any and all individuals who are affiliated with and may be involved in research at Fairleigh Dickinson University, and all research conducted by such individuals, whether or not conducted on site or federally funded, and protocols for such research, including those undertaken in fulfillment of a course requirement.

III. Definitions

Research Misconduct: Means any fabrication, falsification, plagiarism of research publications, including theft or reporting of research data, misappropriation of funds, or other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research. This definition excludes *academic dishonesty* as defined in the Student Handbook under the Academic Integrity Policy. It does not include honest errors or honest differences in interpretation or judgments of data. Furthermore, this definition includes violations of University policy pertaining to research, including: the failure to obtain proper review and approval of the Institutional Review Board (IRB) that is responsible for the protection of human subjects in research, as well as failure to obtain appropriate oversight and approval for use of animals in research, radioactive materials, or other biohazards, as well as the failure to comply with rules and guidelines set forth by the committees responsible for these areas.

Research: A systematic, intensive investigation intended to increase knowledge or understanding, in all academic fields, that is a basic, applied or demonstrated investigation.

Researcher: The term *Researcher* includes faculty, executives, professional administrators, staff, students, trainees, fellows, and interns academically affiliated with Fairleigh Dickinson University who conduct or oversee the conduct of research activities within the facilities of the University and/or in any affiliated or designated off-site locations, whether or not the research is externally funded.

Complainant: Any person bringing an allegation of Research Misconduct.

Respondent: Any person/researcher accused of Research Misconduct.

IV. Duties

Researchers have a duty to perform their research activities in an ethical fashion. Any Researcher who engages in any form of Research Misconduct shall be subject to disciplinary action, up to and including termination of employment or other affiliation with Fairleigh Dickinson University.

V. Procedures

A. Lodging of Complaints and Initial Inquiry

1. Complaints of alleged research misconduct shall be lodged with the Dean of the college as a written and signed statement. The complaint must state, with reasonable specificity, the alleged misconduct in which the Respondent has engaged. The Dean shall meet with the Complainant and Respondent to seek an explanation and informal resolution of the complaint using good-faith efforts to resolve the Complainant's concerns informally. Scholars or persons with relevant expertise and knowledge may be consulted by the Dean as needed.

2. If unable to resolve the complaint, the Dean shall appoint at least two tenured faculty members and additional representatives, as needed, who shall have no conflict of interest, and must be objective, impartial, possess subject matter competencies, understand the importance of confidentiality, and immediately conduct a preliminary inquiry using good-faith efforts to resolve the Complainant's concerns informally and/or determine whether there is sufficient evidence to merit a formal investigation. The Respondent may challenge the participation of any ad hoc members appointed to the Inquiry Committee on any of the foregoing grounds. The Dean shall make a final determination as to the fitness of any person to serve on the Inquiry Committee. As part of the assessment, the Respondent shall receive a copy of the written complaint or narrative, this Research Misconduct Policy, and provided an opportunity to respond to the complaint in writing to the Dean within 15 days of receipt of notification.

3. If at the conclusion of the Initial Inquiry process, the Dean, with the approval of the University Provost, determines that no formal investigation is merited, then the Dean shall dismiss the allegations and conclude the inquiry. The Respondent and the Complainant shall be informed of the determination.

4. If at the conclusion of the Initial Inquiry process, the Dean, with the approval of the University Provost, determines that an investigation is merited, then the Dean shall refer the matter for further investigation (as per Part B below).

5. The Dean shall consult with the University Director of Grants and Sponsored Projects (OGSP) to determine whether the Respondent's research is externally funded. When the project is sponsored by the federal government, the Director of OGSP shall notify the federal funding agency and the Office of Research Integrity (ORI) of the US Department of Health and Human Services (DHHS) of the University's decision to proceed with a formal investigation on or before the date the investigation begins (as per Part B below).

6. The entire Inquiry process shall be conducted and concluded within a 60-day period. The Dean shall determine if an extension is warranted and shall document the reasons for exceeding the 60-day period.

B. Formal Investigations of Complaints

1. The charge of the Investigative Committee is to make a determination whether an act of research misconduct has occurred. The Investigative Committee shall undertake a thorough analysis of the complaint. It shall obtain all relevant information; interview persons with relevant knowledge; interview the Respondent and the Complainant; and consider any other relevant information and/or research undertaken by the Respondent. The Respondent may be accompanied by any person (including counsel) who will serve in an *advisory capacity only* to the Respondent. If the faculty member's legal counsel participates in the proceedings, the University may also have its legal counsel attend and participate in a like capacity.

2. The University Provost shall appoint an ad hoc Investigative Committee consisting of at least five (5) members of the tenured faculty who are objective, impartial, possess subject matter competencies, and understand the importance of confidentiality. The Dean of the College of the Respondent may also recommend the inclusion and/or consultation with additional ad hoc representatives to the Investigative Committee with the approval of the University Provost from inside (or outside) the University, who have scholarly expertise in the subject discipline underlying the complaint.

3. Any appointed member of the Investigative Committee who believes that s/he cannot be impartial, or who believes that s/he lacks sufficient qualifications, shall recuse themselves from the investigative process. The Respondent may challenge the participation of any ad hoc members appointed to the Investigative Committee on any of the foregoing grounds. The University Provost shall make a final determination as to the fitness of any person to serve on the Investigative Committee.

4. If the Investigative Committee finds that the complaint is not founded, and the University Provost concurs with this finding in consultation with the Dean, then proceedings shall be terminated. In such an event, the University Provost shall inform the Dean, the Investigative Committee, Complainant, the Respondent, the Chair or Director, and the Director of Grants and Sponsored Projects that the investigation has been terminated.

5. If the Investigative Committee finds that the complaint is founded, and the University Provost, in consultation with the Dean concurs with this finding, then the University Provost shall inform the Investigative Committee, the Dean, the Complainant, the Respondent, the Chair or Director, and the Director of Grants and Sponsored Projects of the determination. Further, at the onset or any time during the investigation, the University Provost, in consultation with the Dean, has the authority to suspend the Respondent from engaging in sponsored or unsponsored research activities, from expending research funds, and engaging in teaching activities, if the University has reason to believe that health or safety of the public is at risk, DHHS resources or interest are threatened, there is reasonable indication of possible violations of civil or criminal law, federal action is required to protect the interests of those involved in research misconduct proceedings, the University believes that the research misconduct proceeding may be made public prematurely, and/or the research community or the public should be informed.

6. At the conclusion of the investigation, the Investigative Committee shall prepare and submit a written report of its findings and recommendations to the University Provost and the Dean of the respective College. The Investigative Committee shall describe how the investigation was conducted; identify all persons from whom information was obtained, and list all forms of research that it reviewed. Following further review and consultation, the University Provost may accept, reject or modify the recommendations of the Investigative Committee, or remand the matter to the Investigative Committee for further investigation. The Respondent shall be provided an opportunity to meet and discuss the report and shall have five (5) calendar days to submit a written response to the report to the University Provost and Dean before any action is taken. The University Provost shall make the final decision that shall promptly be provided to the Investigative Committee, the College Dean, Complainant, and Respondent and to the University Director of the Office of Grants and Sponsored Projects (OGSP).

7. The OGSP is responsible for keeping the ORI apprised of the progress of the review, communicating the University's findings and appeal proceedings, and for providing a final investigative report to the ORI and the federal funding agency (if applicable) within 120 days from the start of the investigative process, or at the conclusion of additional extensions as may be granted by the University in concurrence with ORI. Information to ORI must also include statements of whether the University accepts the findings or the appeal proceeding, whether the University found research misconduct, who committed it, and a description of any pending or completed disciplinary actions against the Respondent. This procedure shall also apply if the terms of a grant funded by a non-federal agency require that the University provide notification of research misconduct.

8. The University Provost shall consult with and seek the approval of the College Dean to consider and impose disciplinary action against the Respondent or the Complainant in accordance with University policy, any applicable collective bargaining agreement, the *Student Handbook*, or the *Faculty Handbook of Fairleigh Dickinson University*.

9. The Respondent or the Complainant against whom the Dean has recommended disciplinary action may immediately invoke any applicable grievance procedure provided in the *Faculty Handbook of Fairleigh Dickinson University (FDU)*, the *Student Handbook of FDU*, and/or any collective bargaining agreement and/or any University policy. The request shall be made to the University Provost, in writing, within five (5) business days after the date of determination. The Respondent or Complainant shall state, with reasonable specificity, the reasons for requesting a review. The University Provost shall issue a written response to the Respondent or Complainant with a copy to the Dean, within ten (10) business days after receipt of the request for a review. Deadlines for initiating grievance procedures to challenge discipline shall be stayed until the date of the response of the University Provost. When applicable, the ORI shall be appropriately notified of this request explaining the need for the extension of time.

10. The investigation shall be concluded within 180 days from the date of the Dean's receipt of an initial complaint, except for good cause.

VI. Other Matters

1. The University considers the action of lodging a complaint of research misconduct a serious matter. Consequently, complaints of research misconduct must be made in good faith and with a reasonable belief that misconduct has occurred. A complaint is not made in good faith if it is made with reckless disregard, malicious intent, or willful ignorance of facts that could disprove an allegation of misconduct. Based on the recommendation of the Investigative Committee and acceptance by the University Provost and Dean, disciplinary action shall be imposed against anyone who makes a bad-faith charge of research misconduct.

2. The University shall not discipline or retaliate against any person who makes a good-faith charge of research misconduct.

3. The University shall ensure that confidentiality, to the extent practicable, is maintained throughout the process.

4. In the event that a preliminary inquiry or an investigation is terminated by the University Provost and/or Dean, the University shall purge all records related to the complaint from any personnel files maintained by the University Provost, Dean, Chair or Director, Office of Grants and Sponsored Projects, or Human Resources Department on the Respondent. Depending upon the circumstances, the University Provost and Dean shall, with the concurrence of the Respondent, notify any and all agencies and individuals who are aware of the complaint about the outcome of the preliminary assessment or investigation.