

# Converse University Research Misconduct Policy (March 2019)

**Policy Owner** Provost, Office of Institutional Research

**Responsible Office(s)** Provost, Office of Institutional Research

## Policy

### I. Introduction

Converse University (“Converse”) holds to the highest standards of research integrity and expects all of its faculty, staff, students, and persons affiliated with Converse in the proposal or conduct of research to conduct research according to these standards.

Through the Office of the Provost and through the academic Deans, Converse supports a community of ethical conduct and research integrity. Every researcher is personally responsible for their conduct when performing research and will be held to the highest ethical standards.

### II. Scope

This policy applies to any person who is employed by, is an agent of, is under the control of, or is affiliated by contract or agreement with Converse, and to any student of Converse who is engaged in or applying for engagement in research, as defined in Section III of this policy. This policy applies to any principal investigators, co-principal investigators, technicians, and other staff members, as well as to students engaged in independent or faculty-mentored research, including those working as laboratory or research assistants.

### III. Definitions<sup>2</sup>

- A. The *Deciding Official* means the Provost of Converse University. The Provost will make determinations on allegations of research misconduct and determine any institutional responses. At Converse, the Provost (or their designee) also serves as the *Research Integrity Officer*, who assesses allegations of research misconduct and determines when such allegations warrant inquiries and who oversees inquiries and investigations.
- B. *Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation.
- C. *Investigation* means the examination and evaluation of all relevant facts to determine if research misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the research misconduct and to evaluate appropriate action.
- D. *OIG* means the Office of the Inspector General, the office within the National Science Foundation (NSF) that is responsible for the research misconduct and research integrity activities.
- E. *ORI* means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (DHHS) that is responsible for the research misconduct and research integrity activities of the U.S. Public Health Service.
- F. *PHS* means the U.S. Public Health Service, an operating component of the DHHS.
- G. *PHS regulation* means the Public Health Service regulation establishing standards for institutional inquiries and investigations into allegations of research misconduct, which is set forth at 42 C.F.R. Part 93.
- H. *Research* for the purposes of this policy is defined as any systematic investigation, including research proposal development or pilot testing, designed to develop or contribute to generalizable knowledge. Generalizable knowledge includes any systematically generated products of research intended for dissemination within or beyond the institutional setting.
- I. *Research misconduct* is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.
  - Fabrication is making up data or results and recording or reporting them.
  - Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
  - Research misconduct does not include honest error or differences of opinion. (Source: 65 FR 76260-76264; 70 FR 37010-37016; 2 CFR § 910.132; 10 CFR § 733.3)<sup>3</sup>
- J. A finding of *research misconduct* requires that:
- T be a significant departure from accepted practices of the relevant research community;
  - The misconduct be committed intentionally, or knowingly, or recklessly; and
  - The allegation be proven by a preponderance of evidence.
- (Source: 65 FR 76260-76264; 70 FR 37010-37016; 2 CFR § 910.132; 10 CFR § 733.3)<sup>4</sup>
- K. *Respondent* means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- L. *Complainant* means a person who makes an allegation of research misconduct.

#### IV. Rights and Responsibilities

- A. Deciding Official and Research Integrity Officer (DO-RIO)
- The Provost will serve as the DO-RIO, who will have primary responsibility for implementation of the institution's policies and procedures on research misconduct. The DO-RIO will:
- Receive allegations of research misconduct;
  - Assess each allegation of research misconduct to determine whether it falls within the definition of research misconduct and warrants an inquiry;
  - As necessary, take interim action and notify any appropriate agency (OIG, ORI, PHS, or any other) of the circumstances of the allegation;
  - Sequester research data and evidence pertinent to the allegation of research misconduct and maintain it securely;
  - Provide confidentiality to those involved in the research misconduct proceeding as required by 42 CFR § 93.108, other applicable law, and institutional policy;
  - Notify the respondent (whenever possible) and provide opportunities for them to review/comment/respond to allegations, evidence, and other relevant information;
  - Inform respondents, complainants, and witnesses of progress in the investigation of any allegation of research misconduct;
  - Adjudicate any allegations of research misconduct;
  - Ensure that administrative actions taken by the institution and any granting agency are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions as the DO-RIO determines are applicable; and
  - Maintain records of the research misconduct proceeding and make them available to granting or sponsoring agencies as required by terms of grant or sponsorship.
- B. Complainant
- The Complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the Complainant must be interviewed during an investigation.
- C. Respondent
- The Respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. Whenever practicable, the Respondent is entitled to:
- A good faith effort from the DO-RIO to notify the Respondent in writing at the time of or before beginning an inquiry;
  - An opportunity to comment on the inquiry report and have their comments attached to the report;
  - Notification of the outcome of the inquiry and a copy of the inquiry report;
  - Notification in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted; and
  - The opportunity to be interviewed during the investigation.

The Respondent should be given the opportunity to admit that research misconduct occurred and that they committed the research misconduct. The DO-RIO or the President of Converse may terminate the institution's review of an allegation that has been

admitted, if the admission and any proposed settlement and any action by any relevant agency is acceptable to the President of Converse.

**V. Completion of Cases and Administrative Action**

- A. All inquiries and investigations will be carried through to completion.
- B. A case may be closed at the inquiry stage on the basis of a finding by the DO-RIO that an investigation is not warranted.
- C. A case may be closed by the DO-RIO at the investigation stage on the basis of a finding of no misconduct.
- D. If the DO-RIO determines that research misconduct is substantiated by the findings, the DO-RIO will decide on the appropriate actions to be taken.

The administrative actions in the case of faculty, staff members or other non-student researchers affiliated with or under the control of Converse may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Removal of the responsible person from the particular project;
- Letter of reprimand;
- Special monitoring of future work;
- Suspension from future Converse research, either for a limited time or permanently;
- Restitution of funds to the grantor agency as appropriate;
- In egregious cases as determined by the DO-RIO, the initiation of steps leading to termination of employment as specified in the *Faculty Handbook* (for faculty) or the *Staff and Administrative Handbook* (for staff); and
- Other action appropriate to the research misconduct.

The administrative actions in the case of student researchers may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Removal of the responsible person from the particular project;
- Letter of reprimand;
- Special monitoring of future work;
- Suspension from future Converse research, either for a limited time or permanently;
- Restitution of funds to the grantor agency as appropriate;
- In egregious cases as determined by the DO-RIO, referral of the student to the Converse University Honor Board, as specified in the *Converse University Undergraduate Handbook* in the Section, "Honor System"; and
- Other action appropriate to the research misconduct.

<sup>1</sup>Sections of this policy have been taken from or modeled on the Sample Policy and Procedures for Responding to Allegations of Research Misconduct published by the Office of Research Integrity, U.S. Department of Health and Human Services, accessed on March 18, 2019, at <https://ori.hhs.gov/sites/default/files/SamplePolicyandProcedures-5-07.pdf>

<sup>2</sup>Section III of this policy has been adapted in part from Clemson University's *Policy for Responding to Allegations of Research Misconduct*, accessed on March 18, 2019, at <http://media.clemson.edu/research/sponsored-programs/policies/research-misconduct.pdf>

<sup>3</sup>From <https://science.energy.gov/grants/policy-and-guidance/research-misconduct/>, accessed on March 18, 2019.

<sup>4</sup>From <https://science.energy.gov/grants/policy-and-guidance/research-misconduct/>, accessed on March 18, 2019.

## Version History

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