



POLICY TITLE: Misconduct in Research Policy

POLICY PURPOSE: The purpose of this policy is to express the University's policy and procedures relating to allegations of misconduct in research. For the purposes of this policy, the term "research" includes scholarly and/or creative works.

BACKGROUND: This policy will apply to university researchers (faculty, staff, or student) who: a) engage in research misconduct, b) fail to conduct research in a responsible or ethical manner, c) fail to comply with requirements for the protection of human or animal subjects or the use of biotechnology, or d) fail to comply with legal requirements concerning research (e.g., export controls, technology transfer).

APPLIES TO: Faculty, staff, and students

DEFINITIONS: As used herein, "research misconduct" includes four categories of unacceptable actions:

1. An act of deception by the researcher in proposing, conducting, or reporting results of research intended for dissemination to the scholarly community. Deception is different from the honest error and ambiguity of interpretation that are inherent in the research process and that are normally corrected by further research. Examples of deception follow.
 - a. Falsification of data: ranging from fabrication to deceptive and selective reporting, including the purposeful omission of conflicting data with the intent to falsify results.
 - b. Plagiarism: representation of another's ideas, processes, results or work as one's own without giving appropriate credit. This also includes self-plagiarism, which is the use of one's own work from another context without citing that it was used previously.
 - c. Misappropriation of others' ideas: the unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.

2. A major and deliberate failure to comply with Fort Hays State University or sponsoring agency requirements affecting specific aspects of a research project; (e.g., the protection of human subjects, the use and care of animals, or the use of biotechnology).

3. Retaliation of any kind against a person who, in good faith, reported or provided information about suspected or alleged misconduct.
4. A major and deliberate failure to comply with other legal requirements governing research.

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POLICY STATEMENT:

Misconduct in university research undermines the research enterprise and is harmful to the university community, the research community, and the public.

Fort Hays State University has the responsibility to promote an environment that supports the ethical and responsible conduct of research and to establish and enforce policies and procedures that deal effectively and expeditiously with allegations or evidence of misconduct. This document outlines university procedures for handling allegations of misconduct.

Fort Hays State University's procedure for reviewing allegations of misconduct in research are discussed here. Principles that guide the institutional review procedure follow.

1. The university will provide vigorous leadership in the pursuit and resolution of all charges of misconduct in research.
2. The university will take care that the procedure pursued to resolve allegations of misconduct does not itself damage university research activities.
3. The university will treat all parties with justice and fairness and be sensitive to the reputations and vulnerability of all parties.
4. The procedure will preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
5. The integrity of the procedure will be maintained by painstaking avoidance of real or apparent conflict of interest.
6. The procedure will be as expeditious as possible.
7. The university will document the pertinent facts at each stage of the process.
8. The university will, to the extent that it is appropriate and allowable, recognize and discharge its responsibilities after resolving allegations of misconduct internally to all involved individuals as well as externally to the public, the sponsors of research, editors of relevant publications, and the research community.

Prevention of Misconduct (Office of Scholarship and Sponsorship Projects - OSSP is responsible)

The university has a responsibility to create and maintain an environment that supports the ethical and responsible conduct of research. This includes:

1. Communicating with faculty, staff, and students regarding the ethical and responsible conduct of research through policies, handbooks, and contractual agreements.
2. Defining roles for those with responsibility for preventing research misconduct. For example, ensuring appropriate research design, record keeping, training and monitoring student researchers, etc.
3. Encouraging inclusion of research ethics into the curriculum, such as seminars, direct instruction, online course completion (such as CITI), etc.

Procedure for Handling Allegations of Research Misconduct

The university procedure for handling allegations of research misconduct involves three stages: inquiry, investigation, and resolution. Although this procedure is established specifically to handle allegations of research misconduct, it should be noted that the procedure is within the spirit of statements of the faculty "Code of Ethics," faculty "Academic Dishonesty and Disruptive Behavior," and student "Cheating" to be found in the FHSU Faculty and Unclassified Staff Handbook, as well as statements of "Academic Honesty" to be found in the FHSU University Catalog. Additionally, in accord with these sources, an individual disciplined for acts of research misconduct shall be entitled to seek redress through specific grievance procedures.

Initiation of an Inquiry

Fort Hays State University has a responsibility to pursue fully an allegation of research misconduct and to resolve questions regarding the integrity of research. In the inquiry and any investigation which may follow, the university will attempt to focus on the substance of the issues and be vigilant not to permit personal conflicts among colleagues to obscure the facts.

In order to address all allegations of research misconduct expeditiously, Fort Hays State University designates the Dean of the Graduate School and the Office of Scholarship and Sponsored Projects (hereinafter referred to as "the Dean") as the administrator to whom allegations are to be reported. If the Dean has a conflict of interest with a case, the allegation will be pursued by another administrator designated by the Provost.

The Dean will pursue all allegations to resolution. The Dean will consult in confidence with any individual who comes forward with an allegation of research misconduct. In the event that some concerns do not fall within the scope of this policy, the Dean will seek to assist resolution through appropriate university processes. If the Dean determines that the concern is addressed appropriately through the procedure herein, the subsequent inquiry and investigation processes will be discussed with the individual who has made the allegations.

If the complainant chooses not to make a formal allegation, but the Dean

believes there is sufficient cause for an inquiry, the matter may be pursued.

Whether a case can be reviewed effectively without the involvement of the complainant depends upon the nature of the allegation and the evidence available. However, allegations that depend specifically upon the observations or statements of a complainant cannot proceed unless that individual waives the confidential status of the complaint. Other cases that can rely on documentary evidence may permit the complainant to remain anonymous. If cause appears sufficient, the Dean may initiate an inquiry even if the individual who originally came forward declines to make a formal allegation. In such a case, there is not "complainant" for the purposes of this document.

Inquiry

1. Purpose

The person making the allegation of research misconduct will send a detailed letter to the Dean. The Dean will initiate an inquiry as the first step of the review procedure. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is not a formal hearing; it is designed to separate allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken charges.

2. Structure

The inquiry process may be handled with or without a formal committee, at the discretion of the Dean. Regardless of the approach chosen, it is the responsibility of the Dean to ensure that the inquiry is conducted in a fair and just manner. If individuals are chosen to assist in the inquiry, they should have no real or apparent conflicts of interest with the case in question, be unbiased, and have an appropriate background for judging the issues being raised. Individuals with a conflict of interest should make this known to the Dean. Additionally, the Dean has the authority to determine if there is a perceived or real conflict of interest.

3. Process

Inquiries are intended to determine if further investigation is needed, or if the report is frivolous, unjustified, or clearly mistaken. Even if the respondent leaves FHSU before the case is resolved, the university has the responsibility to continue the process and reach a conclusion. Furthermore, FHSU should cooperate with the process of other involved organizations. If indicated, the university's legal counsel may be asked to advise.

Upon initiation of an inquiry, the Dean will notify the person accused of misconduct (respondent) in writing within ten working days of the allegations and of the process that will follow. If the committee method is to be used, the committee members will be designated and convened.

The respondent will be given copies of written documents, if any, that support the allegations. To ensure the safety and security of any written

documents associated with the allegation, committee members will be asked to review a copy of such documents only within the office of the Dean.

When the inquiry is initiated, the respondent will be reminded of the obligation to cooperate in providing the material necessary to conduct the inquiry. Uncooperative behavior may result in immediate implementation of a formal investigation and other institutional sanctions. The respondent will be invited to present a written response to the allegations, and this response will become part of the case file maintained by the office of the Dean.

Anonymity of the complainant cannot be guaranteed, particularly if that individual is the only person with direct information regarding the alleged misconduct. FHSU will seek to protect all parties against retaliation, as described in the university whistleblower policy.

Because of the sensitive nature of an alleged case of research misconduct, the university will strive to resolve each case promptly. The inquiry phase will normally be completed and a written report of the findings filed for the institution's own record within thirty days of written notification to the respondent. If the committee anticipates that the established deadline cannot be met, a report citing the reasons for the delay and progress to date will be filed with the Dean and the respondent and other involved individuals will be informed.

4. Findings of the Inquiry

The results of an inquiry enable the Dean to determine whether or not an investigation is warranted. Written documentation will summarize the process and findings of the inquiry. The complainant and respondent will be informed by the Dean of the outcome of the inquiry. Allegations found to require investigation will be forwarded to the investigative body discussed below. At this point, any federal agency sponsoring the research will be notified of a pending investigation by the Dean or a designee.

If an allegation is found to be unjustified but submitted in good faith, no further formal action will be taken other than informing all involved parties. The proceedings of the inquiry, including the identity of the respondent, will be held in strict confidence to protect the parties involved. If confidentiality is breached, the university will take reasonable steps to minimize the damage to reputations that may result from inaccurate reports.

If an allegation is found to be unjustified and to have been maliciously motivated, disciplinary actions may be taken against those responsible in accordance with existing policies and procedures of the Kansas Board of Regents, Fort Hays State University, and the Memorandum of Agreement with the FHSU-AAUP.

Investigation

1. Purpose

An investigation will be initiated only after the results of an inquiry demonstrate that one is warranted. The investigation's purpose is to explore

further the allegations and determine whether there has been research misconduct. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent will be informed in writing when significant new directions of investigation are undertaken. The investigation will look carefully at the substance of the allegations and examine all relevant evidence.

2. Structure

The investigating body will be comprised of an ad hoc committee appointed by the Dean. Members of the investigative committee may be chosen from within or outside the university. Those investigating the allegations will be selected in full awareness of the closeness of their professional or personal affiliation with the complainant or the respondent.

Any perceived or actual conflict of interest should be disclosed, and the Dean has the authority to determine if the conflict, applies. The Dean has the authority to allow the participation of an individual who appears to have a conflict of interest if their particular expertise or technical knowledge is necessary for the investigation. It is important, however, that the committee have appropriate research expertise to assure the conduct of an effective investigation.

3. Process

Upon receipt of the inquiry finding that an investigation is warranted, the Dean will initiate the investigation promptly. The complainant and respondent will be notified in writing of the investigation; the written summary of the inquiry stage will be included with this notification. All involved parties are obligated to cooperate with the proceedings in securing additional data related to the case. In the event that involved parties are uncooperative, the university remains obligated to continue the investigation. All necessary information will be provided to the respondent in a timely manner to facilitate the preparation of a response. The respondent will have the opportunity to address the allegations and evidence in detail.

In the interim, the university will, if necessary, act to protect the health and safety of research subjects, or the interests of students and colleagues. Administrative action could range from complete suspension to restrictions on the activities of the respondent. In the event that the research involves health and safety concerns for human subjects or animal, the IRB and the IACUC administrator(s) will be notified. Interim administrative action will be taken in full awareness of how it might affect other individuals and ongoing research within the institution.

The written record for the investigative stage will be handled in the same manner as for the inquiry stage; i.e., one copy of the record will be given to the respondent and a second will be maintained in the office of the Dean and solely available for inspection by the committee.

Federal sponsors of the research with suspected misconduct will be notified as soon as the decision is made to conduct a formal investigation. FHSU will

seek assurances of confidentiality of this information from the sponsors. All significant developments during the investigation as well as the final findings of the committee will be reported to any sponsor of the research.

When the investigation is concluded, all individuals and agencies initially notified of the investigation will be informed of its final outcome.

The university will attempt to complete an investigation within 120 days of the initiation of the notification of the respondent. If the deadline cannot be met, an interim report will be submitted by the committee to the Dean with a request for an extension.

4. Findings of the Investigation

The findings of the investigative committee must be submitted in writing to the Dean. The respondent and the complainant each will receive the full report of the investigation. When there is more than one respondent, each shall receive all those parts relevant to his or her role. A written summary will be forwarded to the provost. This confidential report will be kept secure and destroyed after seven years. For students, the confidential report will also be stored securely by the university compliance officer.

5. Appeal/Final Review

In the event of a finding of research misconduct, Fort Hays State University will provide the respondent with an appeal opportunity. This appeal will proceed in accord with the established university grievance procedures.

Resolution

1. No Finding of Misconduct

When the investigation finds no support for allegations of research misconduct, all federal agencies, sponsors, and others initially informed of the investigation will be notified promptly by the Dean. The findings of the investigation will be retained in a confidential and secure file within the Office of the Dean.

If the allegations of misconduct were found to have been maliciously motivated, appropriate disciplinary actions may be taken against those responsible. If the allegations, however, incorrect, were found to have been made in good faith, no disciplinary measures will be taken and efforts will be made to prevent retaliatory actions.

2. A finding of no misconduct, but serious scientific errors were discovered.

The respondent will be required to take appropriate steps to correct the errors, e.g., contact editors of publications, inform collaborators or other end users of the research. Documentation of the corrections will need to be provided to the Dean and the provost.

3. Finding of Misconduct

Notification

All agencies, sponsors, or others initially informed of the investigation will be notified promptly of the finding of misconduct.

Consideration will also be given to formal notification of other involved parties. The following list of such parties is illustrative but not exhaustive.

1. Co-authors, co-investigators, collaborators
2. Editors of journals in which fraudulent research was published
3. Sponsoring agencies and funding sources with which the individual has been affiliated
4. Professional societies
5. State professional licensing boards
6. Employers
7. External agencies
8. When appropriate, criminal authorities

b. Disciplinary Action

University disciplinary action will be in proportion to the misconduct. The following list of possible actions provides examples.

University employees:

1. Take appropriate steps to correct the errors, (e.g., contact editors of publications, inform collaborators or other end users of the research).
2. Completion of research ethics training.
3. Special monitoring of future work, which could include other requirements by the IRB and/or IACUC, as warranted.
4. Removal from a particular research project.
5. Letter of reprimand to be placed in the permanent file of the respondent.
6. Probation.
7. Suspension of research privileges, including IRB and IACUC approvals.
8. Termination of employment.

Students

1. Take appropriate steps to correct the errors, e.g., contact editors of publications, inform collaborators or other end users of the research.
2. Completion of research ethics training.
3. Special monitoring of future work, which could include other requirements by the IRB and/or IACUC, as warranted.
4. Removal from a particular research project.
5. Letter of reprimand to be placed in the permanent file of the respondent.
6. Probation.
7. Enrollment holds.
8. Administrative grade changes.
9. Program dismissal..

10. Expulsion from the university.

Decisions regarding disciplinary actions will be fair and appropriate for the nature of the misconduct. The investigatory committee will make recommendations to the Dean. After considering the evidence and the recommendations, the Dean will determine the most appropriate disciplinary actions. The Dean will then inform the respondent and relevant supervisors of the findings and the disciplinary actions.

The respondent may appeal the decision based on university grievance procedures. Should the respondent refuse to comply with the decision, the investigatory team will reconvene and provide recommendations for other disciplinary actions, which may be more serious.

In the event that termination of employment is recommended and supported by the Dean, the Dean will provide the results of the findings and the recommendations to the appropriate Vice President and/or Provost. Procedures for termination will be followed. If the Vice President and/or Provost determine that termination is not indicated, the investigatory committee and the Dean will reconvene and determine the required disciplinary actions to be implemented.

**EXCLUSIONS OR
SPECIAL
CIRCUMSTANCES:**

In most cases, assurance of student ethics and management of misconduct in the class setting should remain under the control of the class instructor and is subject to university policies contained in the Student Code of Conduct. However, should egregious student research misconduct occur that results in adverse reported events to the IRB or IACUC or the instructor deems the misconduct sufficient to warrant investigation this policy shall apply.

**RELATED
DOCUMENTS:**

Policies: AAUP, IRB, IACUC

Forms:

Other:

Faculty and Unclassified Staff Handbook References:

1. Code of Ethics—Chapter 4
2. Academic Dishonesty and Disruptive Behavior—Chapter 2
3. Cheating—Chapter 7
4. External Grievance Procedure—Chapter 1
5. Faculty Hearings and Appeals Procedures—Chapter 1
6. Non-Tenured Appointment Hearings and Appeals Procedures—Chapter 1

University Catalog References:

1. Academic Honesty—Academic Information, Policies, and Procedures
2. Academic Honesty—Graduate School

KEYWORDS:

Research Misconduct, plagiarism, academic dishonesty, disciplinary action, Institutional Review Board, Institutional Care and Use of Animals

RESPONSIBLE

Graduate School

OFFICE:

**RESPONSIBLE
UNIVERSITY
OFFICIAL:**

Dean of Graduate School and the Office of Scholarship and Sponsored
Projects

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