

## **Scientific Misconduct**

### **Employment Policies**

Approved: 06/24/2009

---

The U.S. Department of Health and Human Services requires that any institution receiving federal funds for research establish policies and procedures for investigating and reporting instances of alleged or apparent misconduct. The Office of Research Integrity (ORI) requires that such institutional policies provide for the inquiry, investigation, and reporting of scientific misconduct.

**Misconduct** (Misconduct in Science) is fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

#### **Administrative Process (for reviewing, investigating, and reporting)**

When scientific misconduct is suspected or alleged, Western will take appropriate action that may involve: 1) initiating an inquiry; 2) protecting the individuals who reported, or those involved in, the misconduct; and 3) notifying ORI after obtaining any reasonable indication of possible violation.

#### **Review:**

- Suspected scientific misconduct is to be reported to the appropriate Dean, who will in turn notify the Vice President of Academic and Student Affairs. Together with the accused individual's department chair (or direct supervisor), these three individuals will comprise the inquiry committee.
- The inquiry stage is the information gathering and initial fact-finding process to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- The privacy of the individual(s) who reported the apparent misconduct will be protected to the maximum extent possible.
- The accused individual(s) will receive: a) confidential treatment to the maximum extent possible, b) a prompt and thorough investigation, and c) an opportunity to comment on the allegations and the findings of the inquiry/investigation.
- Inquiry into the incident must take place as soon as reasonably possible upon report, and must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, then the inquiry report must include documentation of the reasons for exceeding the 60-day period.
- The inquiry committee will complete a written report that states the evidence that was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The committee will provide a copy of the report of inquiry to the individual(s) against whom the allegation was made. If the accused individual(s) comments on the report, then their comments will be made part of the record.

#### **Investigation:**

- If the inquiry committee finds sufficient evidence to warrant further investigation, the Dean shall appoint an appropriate investigative committee to conduct a formal examination and evaluation of all relevant facts to determine whether misconduct has taken place. The appointment of this investigative committee shall be left to the discretion of the Dean, subject to the approval of the Provost and Vice President for Academic and Student Affairs.
- The Dean will notify the Office of Research Integrity in writing before the date the investigation begins. The notification will include the subject's name, the general nature of the allegation, and

the PHS application or grant numbers involved. This investigation must be initiated within 30 days of the inquiry completion.

- The **investigation** is the formal examination and evaluation of all relevant facts to determine if misconduct has occurred. The investigative committee will examine all significant issues and available documentation including, but not limited to, the following: research data, proposals, publications, correspondence, memoranda, and telephone calls. The investigation will also include interviews with individuals who have or may have information regarding the allegation or material evidence.
- The investigation should be completed within 120 days of initiation. However, if the investigation cannot be completed within this time the Dean will request an extension from the ORI. An explanation for the delay, and interim progress report, and an estimated completion date must accompany the request.
- A complete record of documentation substantiating the findings of the investigation will be compiled and a final report will be generated.
- If the investigative committee concludes that there is substantial evidence to support the allegation, they will submit their final report along with sanction recommendations to the President of the University. The President will act upon the report and its recommendations. The President will communicate the decision to the individual found engaging in scientific misconduct, and will require a written response from the individual regarding the sanctions imposed.
- The individual found engaging in scientific misconduct may appeal the sanction determination in accordance with University policies and procedures for grievances.

### **Reporting:**

- Missouri Western State University must notify ORI immediately if the inquiry or investigation finds that any of the following conditions exist:
  - An immediate health hazard
  - An immediate need to protect Federal funds or equipment
  - An immediate need to protect the interests of the person(s) making the allegations or of the individuals(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any
  - It is probable that the alleged incident is going to be reported publicly
  - There is reasonable indication of criminal violation, in which case ORI must be notified within 24 hours of obtaining the information. ORI will immediately notify the Office of the Inspector General.
- Western will maintain detailed documentation of all inquiries to permit a later assessment of the reasons for determining that an investigation was or was not warranted. These records will be maintained in a secure location for a period of three years after termination of the inquiry. These documents will also be made available to the Department of Health and Human Services upon request.
- Upon receipt of the final report of the investigation and all supporting evidence, the ORI will review the information to confirm that the investigation was complete. While Western has the primary responsibility for investigating misconduct, ORI reserves the right to perform its own investigation at any time prior to, during, or following an institution's investigation.