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# DOC 2014-07 Revision to the Policy on Misconduct in Research and Scholarship

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PROPOSAL TO THE ACADEMIC SENATE

Title: Revision to the Policy on Misconduct in Research and Scholarship  
Submitted by: UDRI  
Date: April 25, 2014  
Action: Legislative Concurrence  
Reference: DOC 1993-01

# UNIVERSITY OF DAYTON

<b>TITLE:</b> POLICY ON MISCONDUCT IN RESEARCH AND SCHOLARSHIP	
<b>EFFECTIVE DATE:</b>	<b>APPROVAL:</b>
<b>PURPOSE:</b> The University of Dayton places a high ethical standard for the conduct of its employees participating in all aspects of research as stated in its policy, "Business Ethics & Integrity Code for Sponsored Research." The University understands that in research, apparent ethical violations may not always be the result of unethical conduct. Further, determining the true cause of apparent misconduct in research should be accomplished by objective persons familiar with the nature of the subject research. Thus, this policy governs the determination of ethical misconduct when allegations of ethical misconduct in research are made against scholars and researchers.	
<b>SCOPE:</b> This policy applies to University scholars and professional researchers conducting research.	
<b>POLICY STATEMENT</b>	
<b>I. Preamble</b>	
<p>The freedom traditionally accorded scholars and researchers carries with it the obligation of responsible self-discipline. Indeed, the maintenance of high ethical standards in the conduct of research and scholarship and all other creative activity is a necessary condition for the proper functioning of the university. Dishonesty tarnishes the cause of truth, damages or destroys collegial relationships, and may cause irreparable harm to the relationship between the university and the public. Furthermore, as a Catholic and Marianist institution, the University has stated that "...we ground our investigations in the confidence that an open and diligent search for truth is its own best guardian, in deep respect for the people whom we study and with whom we study, and in an abiding communal commitment to the ever deepening understanding and appreciation that is wisdom" (<u>Statement of the Catholic and Marianist Identity of the University of Dayton</u>, paragraph (19)).</p>	
<p>The University of Dayton prizes interdisciplinary inquiry carried out by teams. Such research, in particular, imposes a special responsibility upon each individual investigator. Here misconduct directly affects the reputation of co-workers as well as that of the perpetrator. For this reason each must share in the assurance that the data have been honestly gathered and presented and that appropriate credit is given for each individual's contributions. Overall responsibility for the integrity of collaborative work always rests with the principal investigator/project director or author.</p>	
<p>All scholars/researchers share the obligation to maintain the highest standard of conduct in their profession and to disclose what they perceive in good faith to be misconduct in research, secure in the knowledge that the University respects the honest exercise of their judgment.</p>	

Such allegations must be made with caution, however, and the rights of the accused to a fair and careful hearing strenuously protected.

## **II. Goals**

It is the policy of University of Dayton that high legal and ethical standards in the conduct of research and scholarship be maintained. Misconduct in research and scholarship as herein defined shall be considered a major breach of the contract between the scholar or researcher and the University. The goals of this statement relating to ethics in conduct of research are to maintain high standards and to establish institutional policies that provide the following:

- A. A widely promulgated and understandable mechanism for dealing with instances of alleged misconduct;
- B. An appropriate and clearly defined chain of responsibility for the conduct of research;
- C. Assurance that individuals charged with supervision of other researchers and scholars can realistically execute their responsibilities, particularly when research teams are large;
- D. Assurance that named authors of papers and abstracts have a genuine role in the research and accept responsibility for the quality of their contributions and assurance that those significantly contributing to the research are acknowledged;
- E. Assurance that recording and retaining of research data be carried out in a clear and appropriate manner;
- F. Guidance and direction for scholars and researchers concerning public announcement and publication of research findings.

## **III. Definitions**

Scholars and researchers are considered as faculty, professional staff, principle investigators, project directors, and graduate students conducting research on behalf of professional staff. This policy only applies to scholars and professional researchers. Determination of misconduct in research by other employees shall be the primary responsibility of the employee's supervisor and any disciplinary actions shall be administered under Human Resources guidelines. Determination of misconduct in research by students shall be the primary responsibility of the student's supervisor or research advisor and any recommendations for disciplinary action shall be made to the Dean of Students who shall determine the appropriate course of action. In all cases, the supervisor or research advisor should take any and all measures within their authority to insure no further ethical misconduct by the subject employee or student.

Misconduct in scholarship and research includes, but is not limited to the following:

- A. Knowing misrepresentation of the following: research proposals, data, research procedures, data analysis, or results;
- B. Willful fraud in the misuse of resources (e.g., funds, equipment, software, people);

- C. Plagiarism and other improprieties of authorship (e.g., improper inclusion or exclusion of authors), including but not necessarily limited to the following: willful or gross negligent and reckless misappropriation of data without appropriate and accurate acknowledgment of the source or sources;
- D. Violation of federal, state, laws/policies/regulations or institutional policies/rules on research involving human subjects, animals, DNA, new drugs or devices, or radioactive materials;
- E. Willful or gross negligent and reckless falsification or fabrication of data or research and presentation of such data or research as experimentally and scientifically sound or accurate.

## **RESPONSIBILITY FOR ENFORCEMENT, REMEDIES, SANCTIONS**

### **IV. Responsibilities**

- A. The scholar/researcher or principal investigator/project director is responsible for the conduct of research; the scholar/researcher is responsible to the department chair/program director/research division head, who in turn answers to the appropriate dean, Director of the Research Institute. The chain of responsibility continues through the Vice President of Research or Provost to the President and the Board of Trustees of the University.
- B. The scholar/researcher or principal investigator/project director, responsible for the supervising other researchers, students and staff personnel must ensure high ethical standards in the conduct of research. These standards include detecting irregular practices in research and scholarship procedures, handling data and results, introducing remedial measures in case of innocent mistakes, and investigating and eliminating willful fraud.
- C. Further, the scholar/researcher or principal investigator/project director is responsible for reporting research results. All co-authors have a genuine role in the research and accept responsibility for the content and quality of their contributions to the work being reported.
- D. Each scholar/researcher or principal investigator/project director is responsible for recording and retaining research data according to scientifically/professionally acceptable criteria.

### **V. Procedure for Reporting and Investigation of Alleged Research and Scholarship Misconduct**

In the case of any allegation of misconduct in carrying out research procedures or handling research results, the guiding principle in processing an initial allegation is to protect the rights and reputation of all parties involved, including the accused and the individual or individuals who in good faith report perceived misconduct. All aspects of the investigation shall be kept in confidence as much as possible. The following steps shall be taken:

- A. A written allegation of misconduct should be given to the dean or division head above the accused. In rare instances where the dean or division head is perceived to have a conflict of interest, the written allegation shall be given to the next higher level supervisor up to the appropriate Vice President or Provost. If the allegation involves a faculty member, the Provost shall be notified; if the allegation involves a researcher at the University of Dayton Research Institute, the Director of the Research Institute (hence forth, Director) shall be notified. The dean or division head receiving the allegation shall notify the accused as soon as is practical, provided there are no concerns of compromising a potential investigation. The dean or division head receiving the allegation shall also notify the accused's supervisor and the Director or Provost. The dean or division head receiving the allegation shall then conduct an initial investigation and determine within 15 working days if the allegation is either supported or not supported by the facts. The report shall be forwarded to the Director or Provost. In turn, the Director or Provost will notify the accuser that they received and are investigating the allegations.
- B. If the Director or Provost determines that there is credible evidence to support the allegation, the Vice President of Research will be notified. The Director or Provost will also notify the accused and review the allegation and any supporting evidence. The Director or Provost may at this time propose disciplinary or other actions to resolve the allegations. The accused has the option of accepting the proposed actions or requesting a hearing.
- C. The hearing will consist of a committee of three appointed people that includes at least two full-time employees with reasonable knowledge relevant to the area of research in which the alleged misconduct is said to have occurred. The accused may select one full-time employee with experience in research and/or scholarship to serve on the committee. The other two committee members and the committee chair shall be selected by the Director or Provost. Administrators, persons with responsibility for the research under investigation, or other persons with a conflict of interest shall not be eligible as a member of the hearing committee. Once the membership is established, the committee chair shall notify the appropriate Vice President or Provost and the charged party, in writing, that the committee is established and shall provide the names of the persons appointed to the committee.
- D. The committee shall conduct an investigation of the alleged misconduct. The accused shall have the following rights:
1. Notification in writing of all charges;
  2. Access to any evidence that supports or negates the allegation and that is reasonably available and in possession of the dean, division head, Director, Vice President, Provost, hearing committee, and committee chair.
  3. Reasonable time to prepare for a meeting with the committee;
  4. Opportunity to meet with the committee and the accuser and present

documentation and/or statements;

5. Right to reasonable confidentiality in the proceedings to the extent permitted by law;
  6. Right to present evidence and make a personal appearance before the committee;
  7. Right to a reasonably speedy determination/report of the committee;
  8. Right to written findings of the committee.
- E. Unless prevented by reasons beyond its control, the committee shall report findings, in writing, to the Director or Provost and to the accused within twenty-one working days of its appointment. In the report, the committee shall indicate the basis of decisions/recommendations. All findings shall be based on relevant, credible, evidence.
- F. If the committee finds that the alleged misconduct is not substantiated by the investigation, formal efforts shall be made to restore the reputation of those under investigation. In this context, if the accused, the committee, the committee chair, the Director, Provost or Vice President for Research believes that the allegations of research fraud or misconduct are malicious, reckless, or intentionally dishonest, these allegations will be investigated by the appropriate authority and be regarded with the same seriousness as misconduct of research and scholarship itself.
- G. In order to substantiate an allegation, the Director, Provost or committee must find that a preponderance of evidence supports the allegation. If the alleged misconduct is substantiated, the committee may recommend disciplinary action, dismissal, or other appropriate remedies. Resignation of the charged party shall not preclude an investigation after such is undertaken by the committee.
- H. After reviewing the committee's findings and recommendations, the committee chair shall report these findings to the Director or Provost. If the Director or Provost believes disciplinary action or dismissal is warranted, he or she shall make such recommendations in writing to the Vice President of Research and the appropriate Human Resources representative. In addition to disciplinary action or dismissal, recommendations can include the following:
1. Request that the researcher, or appropriate authority, withdraw from publication all pending abstracts and papers emanating from the fraudulent research; and
  2. If misconduct is found, the editors of journals to which said papers were submitted or published will be notified.
- I. The appropriate Director or Provost shall have the right to make decisions or take actions in light of the committee's findings and recommendations as he or she considers justifiable and notify all interested parties of such decisions or actions. The Director or Provost may also request that the committee conduct further

investigation.

## **APPEAL PROCESS**

- J. After a decision has been made by the Director or Provost regarding a disciplinary action or dismissal, the accused has the right to appeal, in which case all actions pertaining to the accused shall be taken through established procedures set forth in the faculty, staff, or student handbooks.
  
- K. Notwithstanding the above, the Director or Provost, in consultation with the Office of Legal Affairs, shall have the right at any time to take such action as he or she considers justifiable, to notify all interested parties of that action and to release necessary information to interested parties (e.g. sponsoring agency, journal) provided the person accused is also given a copy of the information released.

## **REFERENCE DOCUMENTS:**

Policy Prohibiting Illegal, Fraudulent, Unethical or Dishonest Conduct  
Business Ethics & Integrity Code for Sponsored Research

## **HISTORICAL REFERENCE DOCUMENTS:**

University of Dayton Faculty Handbook, March 1994

**MAINTENANCE OF POLICY:** Vice President for Research