TO: University Senate

FROM: John E. Davidson, Chair
Senate Rules Committee

DATE: 5/15/08

RE: Proposal to create a policy on research misconduct

WHEREAS the elimination of the Research and Graduate Council made the "Research and Graduate Council Policy on Misconduct” obsolete;

WHEREAS the university is required by federal law to have a policy on research misconduct;

WHEREAS the Office of Research and University Research Committee have created such a policy;

WHEREAS the Rules Committee has determined that said policy is too bulky to be integrated into the rules efficiently and, further, that it requires a flexibility in its response to changes in federal statute and other benchmarks that the process of amending rules does not foster; and,

WHEREAS the rules should contain specific reference to key provisions of said policy;

THEREFORE be it resolved that the University Senate approves the creation of Faculty Rule 3335-13-08, and respectfully requests the concurrence of the Board of Trustees, said proposal to be effective upon approval by the Board of Trustees.

3335-13-08 Policy on research misconduct

The university shall have a policy on research misconduct ("the policy") issued and maintained by the University Research Committee. “Research Misconduct” means fabrication, falsification or plagiarism in proposing, performing, or reviewing research, or in reporting research results (Federal Register/Vol. 70, No. 94/Tuesday, May 17, 2005/Rules and Regulations/pp 28370-28400). Research misconduct does not include honest error or differences of opinion.

A) Objectives

1) The policy shall aim to protect both the integrity and the reputation of research and scholarship produced by members of the University community.

2) The policy shall aim to protect the integrity and reputation of the University and its scholars from false or unproven allegations of research misconduct. For this reason, the University assumes that a person accused of research misconduct is innocent of any allegations until the contrary has been established by a final decision reached under the policy and the applicable disciplinary rules or procedures. The procedures undertaken pursuant to the policy are intended to be investigatory, not adversarial.

B) Jurisdiction
1) The policy shall apply to all University personnel who may be involved with research activities, including faculty members, staff, students, research associates and fellows, post-doctoral fellows, and other research trainees.

2) The policy shall therefore apply to all research and scholarship conducted within the University community, irrespective of the funding source, if any, which supports the research or scholarship.

3) The terms “research” and “scholarship” shall be broadly construed, including activities ranging from scientific experimentation to artistic expression to research and scholarship in the humanities.

4) All persons to whom the policy applies, including those accused of research misconduct, have a duty to cooperate with all proceedings under the policy as well as any subsequent investigations. Such cooperation shall include providing research records and other relevant information to the Vice President for Research or his or her designee.

C) Confidentiality

To the extent possible within the law and in accordance with the need to conduct a thorough inquiry, all participants in the actions initiated pursuant to the policy shall keep confidential all information regarding allegations and proceedings until the University process, including any disciplinary action, has concluded and all avenues of appeal under University rules (if pursued) have been exhausted. The Vice President for Research shall be the University official responsible for determining when a release of information is necessary or appropriate.

D) Administration of the policy

1. The Vice President for Research shall be responsible for disseminating the policy to the research community and handling all allegations of research misconduct. In order to foster broad familiarity with the policy, as well as its flexibility regarding changing standards external to the university, the full policy document shall be publicized by the Office of Academic Affairs, the Graduate School, the Office of Human Resources, the Office of Research, the University Research Committee, the Office of Undergraduate Research, and the University Senate.

2. The Vice President for Research shall designate a Coordinator to assist in administering the policy. The person appointed as Coordinator shall not be University counsel acting in that capacity, but shall consult with University counsel to ensure that the requirements of law and University policy are being satisfied.

E) Administrative Actions.

The Vice President for Research may, during proceedings under the policy or any subsequent investigation, take whatever administrative actions that are in his or her judgment needed to ensure the integrity of the investigation and to protect research funds or equipment or the legitimate interests of patients or clients.

F) Definitions
The key terms for the policy shall be defined in the policy document.

G) Procedures

1) The policy shall describe procedures pertaining, but not limited to: assessing whether an allegation has been made in good faith and has merits; investigating pursuant to such findings; the role of administrators and other individuals in the process; the timeline for such investigations; protecting data; reporting to sponsors and clients; and, sanctions.

2) A finding of research misconduct requires that:

   a) There be a significant departure from accepted practices of the relevant research community;

   b) The misconduct be committed intentionally, knowingly, or recklessly; and

   c) The allegation be proved by a preponderance of the evidence.