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RESEARCH NOTICE

Ronald D. Hedlund, Provost's Office

No.14. June, 2002

NORTHEASTERN'S POLICY ON MISCONDUCT IN SCHOLARSHIP AND RESEARCH

The following pages contain Northeastern University's statement of policies and procedures for dealing with and reporting possible misconduct in science and scholarship. This statement, recently adopted by the Faculty Senate, approved by the President, and presented to the Board of Trustees, updates the University's 1989 interim policy and conforms with current federal regulations.

As a community of scholars, in which truthfulness and integrity are fundamental, the University must establish procedures for the inquiry and investigation of allegations of misconduct of research, with due care to protect the rights of those making the allegations, those accused and the University. Furthermore, federal regulations require the University to have explicit procedures for addressing incidences in which there are allegations of misconduct in research.

Misconduct in scholarship and research is defined as "fabrication, falsification, plagiarism, or other [research] practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or report-

ing research. It does not include honest error or honest differences in interpretations or judgments of data."

These policies and procedures apply to all University employees involved in scholarship, research, research training, or research-related activities conducted under the auspices of the University. They also apply to students, but only insofar as they are working on a project funded by an external research sponsor or otherwise engaged in performing services for the University. Principal investigators, therefore, should ensure that students working on their projects, whether funded by external sponsors or not, by are familiar with these regulations.

In the event that allegations of misconduct may be made, it is essential that all parties involved maintain confidentiality so that the privacy of persons is protected to the greatest extent possible, in accordance with this policy.

Any questions concerning this policy should be addressed to the Vice Provost for Research, ext. 4774. A copy of this misconduct policy statement will be also be found on the University's web site.

NORTHEASTERN UNIVERSITY

POLICY ON

MISCONDUCT IN SCHOLARSHIP AND RESEARCH

Northeastern University expects scholarship and research to be conducted with integrity. This Misconduct in Scholarship and Research Policy, in accordance with 42 CFR Part 50 Subpart A and 45 CFR Part 689 Section 3, provides policies and procedures for responding to allegations of misconduct in scholarship and research.

This policy applies to all University employees involved in scholarship, research, research training, or research-related activities conducted under the auspices of the University. It applies to students only insofar as they are working on a project funded by an external research sponsor or otherwise engaged to perform services for the University. In all other cases involving students, the allegations should be adjudicated in accordance with existing University disciplinary processes as specified in the *Undergraduate and Graduate Student Handbook*. If an individual is no longer working for the University, these procedures may be used to determine whether the individual committed such misconduct while at the University. If an individual is alleged to have committed such misconduct prior to his or her arrival at the University, these procedures may be used to determine whether the individual committed such misconduct and whether it warrants any sanction or alteration in the individual's status at the University.

The Vice Provost for Research and Graduate Education, the Provost, and the President have primary responsibility for administration of this policy and for meeting federal guidelines for the investigation of misconduct in scholarship and research.

In addition to these internal policies and procedures, the Vice Provost for Research and Graduate Education will ensure that all required reporting to the appropriate federal funding agency(s) is undertaken.

At least six sets of circumstances will require that a report be submitted to the appropriate federal agency:

- ◆ if any of the conditions bulleted in Section 2, below, occur;
- ◆ if the preliminary inquiry is aborted without reaching a conclusion (namely that a formal investigation is or is not warranted);
- ◆ if a decision is made by the Provost to initiate a formal investigation;
- ◆ if, during the investigation, it becomes apparent that federal funds and the public interest need to be protected;
- ◆ if an extension of time is needed to complete the investigation;
- ◆ if the final report of the formal investigation must be submitted to an appropriate federal agency.

If investigation timelines at the relevant federal funding agency are shorter than those set in this internal policy, the shorter timelines will take precedence.

The Provost will be responsible for maintaining and storing the records of all phases of the proceedings in a secure manner for three years after the completion of the inquiry. Pursuant to law and federal regulations, records of the proceedings may be submitted to authorized personnel at federal agencies.

1. Definition

The University accepts the following definition of misconduct taken in part from the U.S. Public Health Service: Misconduct means "fabrication, falsification, plagiarism, or other [research] practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data."

2. Reporting Allegations of Misconduct and Immediate Steps

All allegations of misconduct will be reported promptly in writing to the Vice Provost for Research and Graduate Education. The Vice Provost will immediately seek a complete statement of the relevant allegations and the basis for them.

Within 24 hours, the Vice Provost will notify the Provost and the Dean or comparable administrator to whom the accused reports about the allegations and the Vice Provost will determine whether:

- ◆ an immediate health hazard is involved,
- ◆ action must be taken to protect federal funds and/or to ensure that the purposes of the federal funding are being carried out,
- ◆ action must be taken to protect University funds or facilities,
- ◆ the accuser or the accused needs protection,
- ◆ there is reasonable indication of possible criminal violation or,
- ◆ it is probable that the alleged incident will be reported publicly.

If any of these conditions may exist, the Vice Provost will make immediate recommendations to the Provost for actions to address the issue.

3. Preliminary Inquiry into the Allegations

Within ten (10) business days of receipt of the allegations, the Vice Provost for Research and Graduate Education will initiate a preliminary inquiry into the allegations. The inquiry will consist of information gathering and initial fact finding to determine whether an allegation of misconduct warrants a formal investigation. The documentation of the inquiry must be sufficiently detailed to permit a later assessment of the reasons for determining that an investigation was or was not warranted.

In conducting the inquiry, the Vice Provost may obtain the assistance of appropriate faculty, administrative officers, University counsel, and/or outside experts.

During the inquiry, the Vice Provost will, within the requirements of the appropriate federal regulations:

- ◆ protect the privacy of the accuser to the maximum extent possible,
- ◆ provide confidential treatment to the affected individuals to the maximum extent possible,
- ◆ inform the accused, in writing, of the substance of the allegations and of the inquiry,
- ◆ provide the accused the opportunity to comment on the allegations, to submit documentation, and to have legal and/or other representation present, and
- ◆ take precautions against real or apparent conflicts of interest on the part of those involved in the inquiry.

Within two (2) months of the initiation of the preliminary inquiry, the Vice Provost will prepare a written report. The report will include a copy of the allegations, the evidence reviewed, a summary of relevant interviews, and the conclusions of the preliminary inquiry. The Vice Provost will either recommend that no formal investigation is warranted and that the inquiry be terminated, or that a formal investigation be initiated. In addition, the Vice Provost may recommend action be taken against individuals if there is evidence of retaliation against the accuser(s) or if there is evidence that the accuser made the allegations in bad faith.

The Vice Provost will provide a copy of the report to the accused and the accuser who will have ten (10) business days to comment on the findings of the Preliminary Inquiry. The Vice Provost will then provide the written report, the responses, and any comments on the responses that the Vice Provost chooses to make to the Provost. Within twenty (20) business days of receiving the report, the Provost will either terminate the inquiry or initiate a formal investigation. In either case, both the accuser and the accused will be notified of the decision.

4. Formal Investigation of Alleged Misconduct

To initiate a formal investigation, the Provost will appoint an Investigation Board. The Investigation Board will be composed of one faculty member from

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the college in which the accused has an appointment and two faculty members with appropriate expertise for the investigation from outside the college. The Provost will consult with the Vice Provost for Research and Graduate Education and the dean in making the appointments and the Provost will designate the chair of the Board. Faculty appointed to the Board will be expected to disclose any factors that would prevent them from serving fairly, objectively, and without bias. The accused may challenge a proposed Board member for bias. If the Provost determines that the challenge is justified, a new member will be appointed.

a. Procedures at the Formal Investigation

The accused and his or her own legal counsel and or other representative may attend all hearings before the Investigation Board. University Counsel may also attend all hearings. Legal counsel for both the University and the accused will provide passive assistance only to their respective clients and will not participate in the actual examination or cross-examination of witnesses.

The University will make an audio tape recording of all oral presentations at the investigation and such audio tape will be made part of the record. A copy will be made available to the accused upon request.

The Investigation Board will make every effort to maintain the confidentiality of the proceedings and protect the privacy of all persons involved in the investigation. The hearings will be closed. The Investigation Board may hold closed executive sessions.

In conducting its investigation, the Investigation Board may obtain the assistance of appropriate faculty, administrative officers, University Counsel, and/or outside experts.

The accused will have the right to receive copies of all documents in evidence, including a copy of the report of the Preliminary Inquiry; the right to cross-examine witnesses; the right to raise procedural issues; and the right to present and contest evidence. The accused will have an opportunity to comment on allegations and findings of the Preliminary Inquiry and the Formal Investigation. The accused's written comments will be made part of the record.

The Investigation Board will make diligent effort to complete the investigation and issue its final report to the Provost within three (3) months of the initiation of the investigation. The final report will include a copy of the allegations, the evidence reviewed, the findings, the accused's written comments from the record, and the conclusions reached. Simultaneously a copy of the final report of the Investigation Board will be made available to the accused, who will have ten (10) business days to submit comments in writing to the Provost. The Investigation Board will also provide the person(s) who raised the allegation of misconduct with those portions of the report that address their role and opinions in the investigation.

b. Sanctions

If the Investigation Board finds evidence of misconduct in scholarship or research or if there is evidence of retaliation against the accuser(s), the Provost, in consultation with the Vice Provost for Research and Graduate Education and the dean, will impose disciplinary sanctions up to dismissal, and may recommend dismissal of the individual to the President. Disciplinary sanctions are not grievable. In addition, both the University and/or the federal funding agency, if applicable, may impose additional sanctions under their respective policies or regulations.