

KENTUCKY WESELYAN COLLEGE

Research Integrity Policy and Guidelines on Misconduct

I. Introduction

These guidelines establish Kentucky Wesleyan College's expectations with regard to integrity in research of all kinds. They also describe the responsibilities of research personnel, administrators, and others in the academic community, and describe the procedures for dealing with instances of alleged misconduct in research.

The guidelines apply to all personnel affiliated with Kentucky Wesleyan College* (hereinafter known as "the College"), including faculty, research personnel (including any temporary or adjunct members of the research staff, students, and other trainees). Cases of research misconduct involving students are subject to the normal disciplinary rules governing students, but will be reviewed, as appropriate, under these guidelines. The guidance and policies apply with equal force to unfunded research, research funded by the College, and research funded by an extramural funding agency or source.

The guidelines apply to the conduct of research (and related activities), presentation or publication of results, the process of applying for funds, and the expenditure or fiscal reporting of the use of project funds.

The guidelines are consistent with the requirements of federal agencies from which the College requests and receives funding for research and research training, including 42 CFR part 93, "Public Health Service Policies on Research Misconduct."

II. Statement on Integrity in Research

It is the policy of the College to require adherence to high ethical standards in the research conducted by its faculty, students, and staff. The College undertakes to inquire into and, if necessary, investigate and resolve promptly and fairly all instances of alleged misconduct; and to comply in a timely manner with agency requirements for reporting on cases of possible misconduct when sponsored project funds are involved.

Since a charge of research misconduct, even if unjustified, may damage an individual's career, any allegation of research misconduct must be handled in an expeditious and confidential manner. It is of paramount importance that full attention be given to the rights of all individuals involved.

III. Definitions

Research misconduct is participation in practices which seriously deviate from those commonly accepted within the academic community for proposing, conducting, and reporting on research. Research misconduct is distinguished from honest error by the presence of intent to deceive or unacceptable negligence.

Research misconduct includes, but is not limited to:

1. **Fabrication, Falsification or Misrepresentation of Data**, including (a) reporting experiments, measurements, statistical analyses, or other studies never performed; (b) manipulating or altering data or other manifestations of the research to achieve a desired result; (c) falsifying or misrepresenting background information, including biographical data, citation of publications, or status of manuscripts; and (d) selective reporting, including the deliberate suppression of conflicting or unwanted data.
2. **Plagiarism**, which is the taking and use of another's work as one's own.
3. **Abuse of Confidentiality**, which includes the expropriation or abuse of ideas and preliminary data obtained during the process of editorial or peer review of work submitted to journals or in proposals for funding by agency panels or by internal committees at the College. It also covers the expropriation and/or inappropriate dissemination of personally-identifying human subject data.

IV. Responsibilities

1. **Community Responsibilities.** All members of the College community are responsible for reporting what they believe to be misconduct on the part of the faculty, research personnel (including temporary or adjunct members of the research staff), students, and other trainees. Any person who possesses information that leads him or her to believe that a member of the College community who is employed by or enrolled in the courses at the College has engaged in an activity that could be construed as research misconduct should report the matter in writing, if possible, to the Vice President of Academic Affairs and Dean of the College.

The College expects that all members of the community will cooperate with the individuals directing any proceeding relative to these guidelines, and will provide any and all information requested by a person charged under these guidelines with the responsibility of investigating an allegation of research misconduct.

2. **Responsibilities of Persons Engaged in Research Activities.** All personnel performing research of any type are responsible for maintaining the highest ethical standards in their research.
 - a. *Responsibilities of Persons in Supervisory Positions.* Principal Investigators are responsible for (1) assuring that these standards are communicated to and followed by all who work under their supervision, directly or indirectly; (2) assuring the validity of all information communicated by their research groups; and (3) assuring adequate citation of contributions from those within and without each research group.
 - b. *Responsibilities of Persons Who Collaborate on Research Projects.* Co-authorship should reflect involvement and responsibility for work reported. Although collaborative research relationships are based on trust, some joint evaluation of data should be an integral part of the review process, even in long-distance collaborations.

3. **Responsibilities of Administrators.** The Vice President for Academic Affairs and Dean of the College (the "VPAA") and the Associate Dean for Adult and Online Education (the "Assoc. Dean") are charged with ensuring the implementation of these guidelines and assuring the integrity of research at the College. The VPAA will provide widespread dissemination of the guidelines, and, when an allegation of misconduct is made, the VPAA will assure that the appropriate review procedures are begun promptly, including: (1) maintaining accurate records of proceedings and activities under these guidelines; and (2) ensuring, where required, that proper and timely reporting to relevant agencies is made for any investigation of substantial misconduct, and that records of proceedings and activities under these guidelines are maintained in accordance with any applicable law or regulation.

4. Responsibilities of Persons Involved in the Allegation or the Review of Research Misconduct.

- a. *Confidentiality.* To protect the reputation and professional and institutional standing of individuals against whom misconduct is alleged, persons who participate in any way in the filing of an allegation under these guidelines shall maintain all information about the matter in absolute confidence. Unless the subject matter being discussed is public knowledge, such persons should only discuss the matter in the context of the procedures detailed in these guidelines. Any inquiries about the matter from the press and other persons both inside and outside the College community should be directed to the VPAA.

Persons participating in the review of an allegation of research misconduct shall also protect, to the maximum extent possible, the privacy of those who in good faith report suspected research misconduct. The identity of the person who reports suspected research misconduct will not be released to persons other than those specified in these guidelines unless maintaining such anonymity would seriously undermine the integrity and efficacy of the inquiry or investigation.

- b. *Conflict of Interest.* Prior to participation in any aspect of an inquiry or investigation, a person who will be involved in any capacity will disclose to the VPAA in writing the existence of (a) a conflict of interest, or (b) any facts which might cause him or her to be perceived to be biased concerning the facts of the allegation. No person who has a bias or conflict of interest or the appearance of a bias or a conflict of interest shall serve as a member of an ad hoc committee established under Section V2(d) of these guidelines or of the Committee on Misconduct in Research established under Section V3(b) of these guidelines. The VPAA will be responsible for determining how to deal with conflicts of interest within the context of the proceeding.

For the purpose of this Policy, a person is understood to be involved in filing or reviewing an allegation of research misconduct if he or she makes an allegation, is the subject of an allegation, is a witness, member of a committee, or is in any way informed of or consulted concerning the allegation. It is intended that this provision be read as broadly as possible.

- c. *Retaliation.* Neither the person alleged to have committed research misconduct nor any other member of the College community will retaliate in any way against a person who reports suspected research misconduct (VI.-1-c. – pg 8).

Failure to comply with the obligations of confidentiality, disclosure of conflicts of interest, and non-reprisal will be treated as an independent violation of the Research Integrity Policy.

V. Procedures for Reviewing Research Misconduct

1. Allegations

- a. Reports of alleged misconduct are to be delivered to the Assoc. Dean in person or in a sealed envelope prominently marked "confidential". The Assoc. Dean will make a preliminary evaluation of the allegation to determine whether it is more than frivolous. In carrying out this evaluation, the Assoc. Dean may consult in confidence with others as appropriate before passing on the matter.
- b. If the Assoc. Dean finds that the allegation is frivolous, the allegation will be closed without further proceeding of any kind. If a matter is dismissed at this point, no record of it will be maintained other than a sealed written report stating the reasons for the dismissal. The sealed record shall be maintained by the VPAA for at least three years, but will not be noted on or made part of any personnel or other records of the subject of the allegation or the person who reported the suspected research misconduct.
- c. The person who reported the suspected research misconduct will be notified of the determination that the allegation was frivolous, and may appeal the determination to the VPAA. If the VPAA determines that the allegation is frivolous, the allegation will be dismissed.

2. Inquiry

- a. If, after evaluation, the Assoc. Dean determines that the allegations are not frivolous, the Assoc. Dean will initiate an inquiry.
- b. The Assoc. Dean will notify the subject of the allegation and the impending inquiry. The subject of the allegation will be given a copy of the procedures for review of allegations of research misconduct. The appropriate departmental/divisional chairperson also will be notified.
- c. The purpose of the inquiry is to determine whether an allegation of research misconduct warrants a full investigation and/or requires that special action be taken pending resolution of the allegation of research misconduct. The inquiry also will determine whether the alleged misconduct appears to be intentional, and the likely scope of any necessary investigation. An inquiry should be completed within sixty (60) days after an allegation is filed with the Assoc. Dean.

- d. The inquiry will be conducted by an ad hoc committee of at least three tenured faculty members chosen by the Assoc. Dean, in consultation with the VPAA and Chair of the Faculty Professional Interests Committee.
- e. The ad hoc committee will consist of one individual from the department or division to which the person alleged to have committed research misconduct belongs; one individual who belongs to a department or division other than the one to which the person alleged to have committed research misconduct belongs; and one individual who is appointed by the Chair of the Faculty Professional Interests Committee.
- f. The ad hoc committee may have access to documents relating to the alleged misconduct, and may interview the person who filed the allegation and the subject of the allegation.
- g. The ad hoc committee will submit a written report to the Assoc. Dean that describes the evidence reviewed, summarizes interviews conducted, and reports the conclusion of the inquiry.
- h. The subject of the allegation will be given a report of the inquiry findings and invited to comment in writing within 7 calendar days of receiving the report. When comments are provided they will be included with the report of the inquiry committee, which will be given to the Assoc. Dean.
- i. After receiving the written report of the ad hoc committee, the Assoc. Dean will forward a written report along with his or her recommendation to dismiss or require an investigation to the VPAA. The VPAA will determine whether to dismiss the matter or proceed with an investigation. The subject of the allegation, the appropriate departmental/divisional chairperson, and the person who filed the allegation will be notified in writing of the VPAA's decision.
- j. If the person who filed the allegation disagrees with the decision of the VPAA to dismiss the matter, he or she may appeal to the VPAA in writing within 14 calendar days after receiving the VPAA's written notification. The appeal should specify the factual basis for reversing the decision. The VPAA will consider the appeal and, after reviewing his or her prior dismissal, make a final determination as to an appropriate action.
- k. To permit a later assessment of the reasons for determining that an investigation was not warranted, if a decision to dismiss the matter is rendered; one copy of all the information assembled in the course of the inquiry will be placed in a sealed file and maintained by the VPAA for at least seven years. All other copies of materials shall be either destroyed or returned to the appropriate persons.

3. Investigation

- a. The purpose of an investigation is to examine thoroughly an allegation of research misconduct and to determine whether it is more likely than not that research misconduct has taken place.

- b. If the VPAA determines to proceed with an investigation, he or she will convene an ad hoc committee to investigate the allegation within 30 days from rendering a decision to proceed with an investigation. This ad hoc committee will consist of: one VPAA appointee; one Assoc. Dean Appointee, and one Faculty Professional Interests Committee Chair appointee.
- c. When appropriate, the Committee may request the VPAA to appoint experts from outside the College to serve on the Committee as non-voting consultants.
- d. As required by applicable law and regulations, the VP Finance/Treasurer will notify granting agencies supporting the research work under investigation that an investigation is taking place. Specific agency requirements, such as the time within which certain steps are to be taken, will be observed, and will be communicated by the VPAA to the Committee and to the subject of the allegation. For example, guidelines promulgated by the United States Public Health Service require that an investigation be commenced within 30 (calendar) days of completion of an inquiry, and that the investigation be completed within 120 (calendar) days, unless permission for extension is granted by the relevant funding agency.
- e. The Committee will function as an independent fact finding and investigative body. Using the allegation of research misconduct as a basis, the Committee will examine all relevant writings, data, physical evidence, and witnesses to determine whether it is more likely than not that research misconduct has occurred. All members of the Committee must be present when a witness is interviewed or physical evidence is examined. Committee members may examine writings or transcripts of data independently, provided that all members must be present whenever the Committee discusses the allegation.
- f. The investigation may include, but need not be limited to: a review of documents such as grant or contract files, grant applications and research proposals, research data, reports, scholarly publications, manuscripts, correspondence, and memoranda of telephone calls. The investigation may also include inspection of laboratory, field or clinical facilities, equipment and/or materials, interviews of persons involved in or having knowledge about the matters raised in the allegation, and where necessary, solicitation of expert advice relevant to the investigation. The Committee will focus on the matters contained in the allegation of research misconduct, but may review previous research efforts of the affected personnel, or records of previous inquiries and investigations into research misconduct, if relevant to the investigation. Complete summaries of any interviews conducted should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.
- g. The subject of the allegation will be given the opportunity to respond to the allegation orally and in writing and to provide information for consideration by the Committee. To prepare his or her response, the subject of the allegation will be given a copy of the report of the ad hoc committee and the charge to the Committee. The subject will be kept informed by the Committee chairperson of the progress of the investigation.

As the investigation progresses, the subject will be allowed to review all documents examined by the Committee and summaries of all interviews carried out by the Committee.

- h. At regular intervals, the Committee will inform the VPAA and the Assoc. Dean of the progress of its investigation in writing, and will notify the VPAA and the Assoc. Dean if it expects to be unable to conclude deliberating the matter before an established deadline. In such an event, the Committee should notify the VPAA and the Assoc. Dean in time for the VP Finance/Treasurer to process all requests for extension of time required by any agency or sponsor.
- i. Confidential written minutes shall be kept of all Committee proceedings. Tape recordings may be made of any meetings if the Committee considers it advisable.
- j. With the prior approval of the Committee, the subject of the allegation may be accompanied by a non-attorney advocate/colleague.
- k. The Committee will prepare a report which reviews the facts, responds to the allegations made, and assesses the validity of those allegations. If the Committee determines that the subject of the allegation has committed research misconduct, the Committee may recommend a sanction in its report.
- l. A copy of the report will be provided to the subject of the allegation, who will be afforded a reasonable time (14 calendar days) to review and comment, accept its conclusions, or deny the allegations. These comments should be in writing and included as an attachment to the Committee's report.
- m. The Committee will submit their final report, any minority reports, and the written comments from the subject of the allegation to the Assoc. Dean for review.
- n. The report of the Committee and its attachments, along with any recommendation from the Assoc. Dean will be forwarded to the VPAA for final review and disposition. If the VPAA finds that the subject of the allegation has not engaged in research misconduct, the VPAA will dismiss the matter. If the VPAA finds that the subject of an allegation engaged in research misconduct, the VPAA will determine what, if any, sanctions to impose. The VPAA will inform the subject of the allegation, the Assoc. Dean, and the appropriate departmental/divisional chairperson of his or her decision in writing.
- o. During the course of the inquiry or investigation, the Assoc. Dean, ad hoc committee, or Committee may recommend to the VPAA that interim action be taken to comply with applicable regulations or to protect the public, the College, or any persons involved in the matter under investigation. The VPAA may within the limits of his or her authority, take such interim actions as he or she deems prudent.

VI. Post-investigation and Other Responsibilities of Persons Involved in the Review of Alleged Research Misconduct

1. **Notifying Outside Parties.** At the conclusion of the investigation, or at any other time required by an involved granting agency, the VPAA will notify the granting agency of the alleged facts of the matter, the conclusions rendered, and the disposition of the matter by the College. The Assoc. Dean will notify other outside parties as may be appropriate, including publishers or institutions with whom the party found to have committed research misconduct is now, or has been previously, professionally affiliated. The VPAA will determine what, if any, release of information about the incident should be made to the public.
 - a. **Working with Research Sponsors.** In the case of sponsored projects, the VPAA is responsible for determining and complying with the sponsor's reporting requirements, representing The College in all negotiations with the sponsor, and implementing any administrative actions that may be directed by the sponsor.
 - b. **Restoring the Reputation of Persons Falsely Accused of Research Misconduct.** If the alleged research misconduct is not substantiated by the investigation, the College will make efforts to alleviate any diminution of the reputation of the subject of the allegations. By initiating these efforts, the College assumes no duty to defend or prosecute any lawsuit filed by or against any person involved in the allegation, inquiry, and investigation.
 - c. **Sanctioning Persons Who Bring Malicious Allegations.** If it is demonstrated that allegations of research misconduct were made under malicious or dishonest circumstances, the VPAA will bring appropriate action against the persons involved. No sanctions will be imposed on those persons who in good faith bring allegations later determined to be frivolous.
 - d. **Maintaining Records of the Investigation.** A sealed permanent record of Committee reports, exhibits, minutes of meetings, and other materials generated during an investigation will be kept by the VPAA. These records will be protected from release if release would compromise the conduct of another investigation, constitute unwarranted invasions of privacy, or reveal the content of communications or recommendations of action to be taken.
 - e. **Amending These Guidelines.** Consistent with the procedures described above, those responsible for the conduct of inquiries and investigations shall have the authority to supplement and clarify applicable procedures, provided that adequate notice is given to persons affected by such actions.