SCIENTIFIC MISCONDUCT: POLICY ON ALLEGATIONS,
INVESTIGATIONS AND REPORTING

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Summary: Presents procedures for reporting and investigating allegations of scientific misconduct, and for the required notifications to federal agencies of such allegations and investigations.

Authority: Vice President of Academic Affairs, reflecting requirements of federal agencies

Contact Person: Associate Dean of the Faculty

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Each member of the Rose-Hulman community has a responsibility to foster an environment which promotes intellectual honesty and integrity, and which does not tolerate misconduct in any aspect of research or scholarly endeavor. Scientific misconduct is extremely troubling - in spite of its infrequency - because when it occurs, it is very destructive of the standards we attempt to instill in our students, of the esteem in which academic science in general is held by the public, and of the financial support of the government and other sponsors for academic scientific enterprise. The importance of integrity in research cannot be overemphasized.

Some federal agencies currently have their own policies regarding scientific misconduct, and require notification to the agency in the event of such an allegation or investigation. At this time, those agencies are the U.S. Public Health Service (PHS) and the National Science Foundation (NSF). Where required, this notification will be made by the Associate Dean of the Faculty (ADOF) who is charged with the administration of the Office of Research and Graduate Studies.

While both PHS and NSF recognize that the primary responsibility for the prevention and detection of misconduct, and for the conduct of inquiries and investigations, rests with the awarded institution, they both retain the right to initiate their own investigations at any time.

1 History: This interim policy was adopted by the Office of Research and Graduate Study at Rose-Hulman Institute of Technology April 3, 2000. It is based upon the policy of Stanford University issued February 15, 1995. The majority of the text has been incorporated verbatim from The Stanford University Policy Handbook [http://www-portfolio.stanford.edu/101239/text/plain]
Arthur B. Western, Associate Dean of the Faculty, April 3, 2000
Azad Siahmakoun, Associate Dean of the Faculty, June 11, 2015
I. DEFINITIONS

Rose-Hulman's definition of scientific misconduct, and procedures for investigating and reporting allegations of misconduct, conform to the definitions and regulations of those federal funding agencies which have policies on this subject.

SCIENTIFIC MISCONDUCT

"Scientific misconduct" is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those 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. Also included as "scientific misconduct" for this purpose is retaliation of any kind against a person who, acting in good faith, reported or provided information about suspected or alleged misconduct.

This policy addresses only scientific misconduct. Rose-Hulman's statement on faculty discipline has been interpreted to include such other violations as reckless disregard for accuracy, failure to supervise adequately, and other lapses from professional conduct or neglect of academic duties. Allegations or suspicions of misconduct outside the scope of this policy should be directed to the cognizant dean or vice president for investigation, although the process of investigation and reporting obligations may differ from those required for scientific misconduct cases.

INQUIRY

An inquiry consists of preliminary information-gathering and preliminary fact-finding to determine whether an allegation or an apparent instance of misconduct has substance. The outcome of an inquiry is a determination as to whether or not an investigation is to be conducted.

INVESTIGATION

An investigation is a formal examination and evaluation of relevant facts to determine whether or not misconduct has taken place.

II. INDIVIDUAL REPORTING RESPONSIBILITY

Any individuals who believe an act of scientific misconduct has occurred or is occurring should notify the Associate Dean of the Faculty, who should immediately begin an inquiry and so inform the Vice President of Academic Affairs (VPAA). Reporting such concerns in good faith is a service to the Institute and to the larger academic community, and will not jeopardize anyone's employment.
III. PROCESS AND TIME FRAME FOR ASSOCIATE DEAN'S REVIEW

The ADOF's inquiry and, if called for, the investigation may be carried out personally or through such standing or ad hoc arrangements. (See Section VII, Cautions and Assistance.)

1. Inquiry Receipt of an Allegation of Scientific Misconduct

The ADOF shall immediately begin an inquiry and shall so inform the VPAA, identifying any outside funding source(s) for the research which is the subject of the inquiry. This inquiry is to determine whether a formal investigation is warranted, and shall be guided by the following:

- The accused individual shall be informed of the allegations, and be invited to comment on them. This individual should also be provided with a copy of the draft report of the inquiry, and be given an opportunity to comment on the findings. In so doing, best efforts should be made to protect the confidence of the individual who brought forward the complaint.
- Any other relevant individuals, including the individual(s) who raised the concern, if known, should be interviewed.
- The final report, including a recommendation as to whether or not a full investigation is warranted, must be submitted by the ADOF within 30 days of receipt of the allegation. (If this time frame is not possible in a particular case, the reasons are to be documented and the VPAA so informed.) The final report shall include any comments provided by the accused in response to the draft report.
- The documentation should include sufficient detail to permit a later assessment of the determination of whether or not a full investigation was warranted. It should describe the information reviewed, include a summary of the interviews conducted, state conclusions reached, and indicate whether or not the VPAA believes an investigation is warranted.
- The final report of the inquiry and documentation must be maintained in the school for three years.
- Unless the VPAA has further concerns, The Associate Dean's recommendation that an internal investigation is not warranted will be final.

2. Investigation Procedures

If the inquiry leads to the conclusion that an investigation is necessary, it will be guided by the following considerations:

- The formal investigation should begin within 30 days of the completion of the inquiry.
• The investigation should be completed and the final report sent to the VPAA within 90 days. If an investigation cannot be completed within this time frame, the VPAA should be notified as soon as possible. In such cases, it may be necessary for the VPAA to request an extension of time from federal funding agencies.

• The investigative process must be thorough, fair and protective of the confidentiality and reputations of all participants.

• An investigation should normally include an examination of all documentation, including but not limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls.

• Those making accusations, those accused, and those who may have information related to the matter should be interviewed.

• Complete written summaries of each interview should be provided to the individual being questioned, and any comments should be appended to the summary, or reflected in a revised summary if the interviewer agrees. The summaries must be retained by the ADOF.

• All significant issues should be pursued until the investigator is reasonably certain that he or she has amassed all necessary and available information.

• A draft written report of findings should be made available to the accused. Where identified, those who made the allegations should also receive the portions of the draft report which concern the role or opinions they had in the investigation.

• Comments on the draft from the accused or the accusers should be appended to the final report.

NOTE: If there is more than one accused individual, and their involvements are found not to be identical, separate draft reports should be prepared if practical, in order to preserve confidentiality.

In addition to the interview summaries and comments by the accused and accuser(s) on the draft report, the final written report should include:

1) A description of the policies and procedures followed
2) How and from whom relevant information was obtained
3) The findings and basis for them

If the VPAA considers that sanctions may be warranted, the VPAA shall refer the final report to the President, to determine whether disciplinary action is called for. If any sanctions result, the VPAA shall be informed, and shall append that information to the final report.
IV. INTERNAL COORDINATION / REPORTS TO VPAA

In order to assure compliance with external notification requirements, Associate Dean of the Faculty must report the following circumstances to the VPAA in a timely manner:

- Commencement of an inquiry
- Conclusion of an inquiry
- Commencement of an investigation
- Consultation if an investigation will take more than 90 days to complete
- Conclusion of an investigation

If termination of an inquiry or investigation before its completion is contemplated for any reason, this should be reported and discussed with the VPAA.

In addition, the VPAA is to be advised at once if any of the following circumstances are discovered:

- An immediate health hazard
- An immediate need to protect federal or University funds or equipment
- An immediate need to protect those making the allegation, those accused or any of their associates likelihood that an alleged incident will be reported publicly
- A reasonable indication of a possible criminal violation.

NOTE: In emergency situations, the Associate Dean is authorized to notify external agencies directly, if conference with the VPAA is not possible in a timely manner. (See Section V, Notification to External Agencies.)

The Associate Dean shall also take interim action as necessary to protect federal funds and the purposes of the federal grant or contract that may be involved. Such action is administrative and not disciplinary. The ADOF shall inform the VPAA of such actions.

If, during an investigation, facts come to light that could affect current or potential funding of the people under investigation, or that may, in the ADOF's judgment, need to be disclosed in order to ensure proper use of research funds or protection of the public interest, these facts should be reported to the VPAA as they are learned.

V. NOTIFICATION TO EXTERNAL AGENCIES

NOTE: Rose-Hulman will comply with the requirements and regulations of its funding agencies. In any particular situation, the ADOF is advised to review current regulations and requirements.
Under circumstances not involving Public Health Service or other regulated funding agencies, the President will make the decision whether information about the charges and their disposition will be disclosed publicly or to specific parties, including the research sponsor. This decision will normally be made upon the conclusion of the final report. However, if required by urgent circumstances, such a disclosure may be made at any time. The President will consult with the Board of Trustees to the extent feasible and appropriate in such cases. Absent such urgent need, Rose-Hulman will not make interim reports to outside agencies unless required by external regulation.

The Public Health Service requires annual assurances from Rose-Hulman of compliance as well as aggregated information on allegations, inquiries, and investigations. Further, in accord with Public Health Service and National Science Foundation regulations, in cases involving research funded by either of those agencies, the funding agency will be informed in the following situations. Except as specifically described at the end of this section, the following notifications to external agencies will be made only by the ADOF, acting on behalf of the VPAA.

1. Outcome of an Inquiry

PHS and NSF will be notified of the outcome of an inquiry involving funds from their agency only if that outcome includes the recommendation to conduct a full investigation. (Documentation from inquiries, even those that do not recommend further investigation, will be made available by the ADOF upon an agency’s request.)

2. Commencement of an Investigation

Written notification will be provided to PHS or NSF upon determination that an investigation will be conducted. This notice is to be provided on or before the commencement of the investigation, and must include all information required by the agency. In the case of PHS-funded research, this notice must include at least the following: name(s) of the accused individual(s); general nature of the allegation(s); and the PHS proposal or award number involved. Regulations provide that this information will be held in confidence to the extent permitted by law.

Note, however, that although the information will not be disclosed to peer reviewers or PHS advisory committees, it may be used by the Secretary of Health and Human Services in making decisions about the award or continuation of funding.

3. Written Request for a Time Extension

Although PHS regulations permit 120 days for completion of the investigation and submission of the final report, Rose-Hulman requires the ADOF to consult with the VPAA if it appears that the final report will take more than 90 days to complete. This allows 30 days for the disciplinary process, if it is decided to pursue one. The final report to PHS must include a statement about the sanction (if any) imposed by the institution.

If the investigation and determination of discipline are likely to take more than 120 days to complete, the VPAA will so notify PHS, including reasons for the delay, interim progress reports, the estimated date of completion of the report, and any other necessary information. If an extension
is granted, PHS may require the submission of periodic interim reports, or the agency may undertake its own investigation prior to the Institute's completion of its investigation.

NSF requires completion of the inquiry within 90 days, and completion of the investigation, including submittal of the final report, within 180 days. If completion of either is expected to be delayed, NSF may require submission of periodic status reports.

4. Interim Reports

PHS must be apprised during an investigation of facts that may affect current or potential PHS funding of the individual(s) under investigation, or that may need to be disclosed in order to ensure proper use of federal funds or protection of the public interest.

Similarly, NSF requires interim reports if the seriousness of the apparent misconduct so warrants; if immediate health hazards are involved; if NSF's resources, reputation, or other interests need protecting; or if federal action may be needed to protect the interests of a subject of the investigation or others potentially affected.

5. Early Termination

PHS must be notified of any decision to terminate an inquiry or investigation prior to the completion of all relevant requirements. This notice must include the reasons for such action. PHS retains the right to investigate the matter further on its own.

6. Final Outcome

PHS and NSF will be notified of the final outcome of an investigation involving their funded project(s), and provided with a complete copy of the final report.

7. Special Emergency Notifications

In addition, the Public Health Service must be informed at any stage of an inquiry or investigation if any of the following are discovered:

- An immediate health hazard
- An immediate need to protect federal or University funds or equipment
- An immediate need to protect those making an allegation
- A likelihood that an alleged incident is going to be reported publicly
- A reasonable indication of possible criminal activity.

In the case of suspected criminal activity, PHS requires notification within 24 hours.

In special emergency circumstances as defined above, the ADOF and/or VPAA should attempt to reach the President (by phone if necessary; in writing, if possible). However, ADOF and VPAA are authorized to make such reports directly to the agency, and to so inform the President afterwards, if, in the judgment of the ADOF/VPAA, such action is necessary.
VI. DETERMINATION OF DISCIPLINE

The determination as to whether discipline is to be imposed is governed by existing policies. In cases involving faculty, sanctions may only be imposed by the President, through the faculty disciplinary process. The VPAA will refer cases of significant student misconduct to the Rules and Discipline Committee. Cases involving staff members will be referred to the appropriate administrator.

Both PHS and NSF have the right to impose additional sanctions, beyond those applied by the institution, upon investigators or institutions, if they deem such action appropriate in situations involving funding from their respective agency.

VII. CAUTIONS AND ASSISTANCE

The gathering and assessing of information in cases of alleged scientific misconduct can be extremely difficult. It is essential to protect the professional reputations of those involved, as well as the interests of the public and of any who might be harmed by the alleged misconduct. In the course of conducting inquiries or investigations, the following provisions are applicable:

- Expert assistance should be sought as necessary to conduct a thorough and authoritative evaluation of all evidence.
- Precautions should be taken to avoid real or apparent conflicts of interest on the part of those involved in the inquiry or investigation.
- The anonymity of accused individuals and, if they wish it, the confidentiality of those who in good faith reported the alleged misconduct, should be protected as much as possible, and care should be taken to protect their positions and reputations.
- Except as required in the reporting provisions above, only those directly involved in an inquiry or investigation should be aware that the process is being conducted or have any access to information obtained during its course.
- Where appropriate, efforts should be made to restore the reputations of those accused when allegations are not confirmed.

Questions on the interpretation of this policy should be directed to the Associate Dean of the Faculty, Office of the Research and Graduate Studies.