

## MISCONDUCT IN SCHOLARSHIP AND GRANTS MANAGEMENT POLICY

### Introduction

**Basic Principles.** Honor in scholarship is one of the hallmarks of academia. This tradition runs especially deep in Jesuit institutions of higher education which uphold rigorous standards of ethics and values. Instances of documented misconduct in scholarly research are rare, but, nevertheless, do exist among the more than 2,000 colleges and universities nationwide. Misconduct in scholarly activities is injurious to a university's teaching, research, and public service missions and cannot be tolerated. As a result, it is fitting and proper that John Carroll University implement policies and procedures which satisfy three objectives:

1. Investigate misconduct allegations in a timely manner;
2. Insure due process to all individuals involved; and
3. Preserve and protect institutional and individual reputations.

**Faculty and Staff.** This document applies to all John Carroll faculty, administrators, and non-students. The scope of the investigations called for in this policy statement is limited to that which is necessary and proper to ensure the integrity of research, the rights and interests of research subjects and the public, and the observance of any legal and policy requirements of the University and the sponsor. The findings from these investigations may be used as the basis to initiate appropriate disciplinary procedures.

**Students.** Students may become involved in misconduct allegations by virtue of their collaboration with faculty researchers. If the students are being supported by extramural funding, they are covered by this policy statement. If the students are not being supported by extramural dollars, then such cases will be referred to the appropriate academic dean for disposition according to student appeal regulations published in the appropriate Bulletins. In essence, allegations of student misconduct are administered at the level of the appropriate Dean.

**Protection of Rights.** In all cases in which there has been an allegation of misconduct, extreme care must be taken to insure confidentiality of all parties, to the extent permitted by law, and to protect the rights of the individuals involved. This degree of care is necessary not only for those persons accused of misconduct in scholarly activities, but also for those persons who might provide information that would form the basis of an allegation: students, untenured faculty members, staff members, and others who might be able to provide information on a confidential basis in appropriate situations. Care must be taken to avoid a real or apparent conflict of interest for those chosen to be a part of the adjudication process. Throughout all proceedings, the

University will protect the rights, the reputation and the professional and institutional standing of individuals against whom misconduct is alleged by affording them confidential treatment (as described below and except as provided by law), a prompt and thorough investigation (if warranted) and the opportunity to comment on the allegations against them and all related findings and reports.

**Administration.** Dissemination and administration of these regulations will be the responsibility of the Graduate Dean, who will in turn have the responsibility for informing the Academic Vice President all stages of the process. The Graduate Dean will maintain general information on the subject of misconduct in scholarly activities and make this information available to faculty, students, and administrators of the university. Informal requests for information or guidance will not be construed as an allegation of misconduct in scholarly activities which invokes the full procedure outlined below.

## Definitions

NIH Guide, Volume 24, Number 9, March 10, 1995, which modifies NIH Guide for Grants and Contracts, Vol. 23, No. 44, December 16, 1994. Misconduct in scholarship is defined as fabrication, falsification, plagiarism, or other 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. (42 CFR 50.102)

The term **“Preliminary Inquiry”** applies to the initial exploration of an allegation or formal complaint alleging misconduct in scholarly activities. Using appropriate institutional resources as necessary, a review will be made of the information or circumstances giving rise to a suspicion of misconduct in scholarly activities; that is, the preliminary inquiry should gather information, conduct fact finding, and determine whether there are reasonable and adequate grounds to warrant a formal investigation. All explorations should be done as confidentially as possible. Immediate action should be taken to protect any data, research records or other materials involved; as appropriate, the Graduate Dean should take custody of pertinent records, data, or other material. From the initial reporting of the alleged misconduct, the University will also protect the rights, the reputation and the professional and institutional standing of those who have reported the misconduct insofar as this is consonant with the conduct of a fair and thorough inquiry. Anonymity of the accuser is not guaranteed.

The term **“Formal Investigation”** applies to those circumstances where the preliminary inquiry found sufficient grounds to proceed with substantive review of possible misconduct allegations. The purpose of the “Formal Investigation” is to determine if misconduct occurred, who is responsible for it, and how serious it was. It requires an impartial and rigorous review of pertinent information and circumstances to judge the validity of the allegations. It may be necessary to seek confidential technical, financial, or legal counsel in the conduct of this investigation.

## Procedures Governing Preliminary Inquiries

1. Any John Carroll individual may properly receive information concerning possible scholarly misconduct. Written, signed allegations are preferred, but verbal allegations may be considered within the discretion of the Dean of the Graduate School. All allegations originating from within or outside the University should be referred to the Dean of the Graduate School who is designated as the primary or definitive recipient.
2. The Graduate Dean will immediately contact the scholar against whom the allegation has been made and the John Carroll faculty member directly responsible for supervising him or her. The Graduate Dean will also notify the appropriate Department Chairperson and Academic Dean that a preliminary inquiry is being initiated. The Graduate Dean will secure any evidence relating to the alleged misconduct at the time of the initial notification.
3. The Graduate Dean will then move quickly to conduct an inquiry of the alleged misconduct, initially calling on the expertise of one to three faculty within the University. Any inquiry relating to matters of scholarship will include faculty at all stages of the inquiry. This delegation, even if consisting of a single individual, shall be referred to as the Ad Hoc Committee in the remainder of this document.
4. The Graduate Dean shall also refer the alleged misconduct to the Grants Administrator when appropriate who shall make an immediate recommendation of whether the alleged misconduct is “significant” in the sense that it deviates from sponsor or university grant guidelines. If the Grants Administrator determines that it may constitute a significant deviation, she shall follow the reporting procedures required by law, agency guidelines, or University policy. If the allegation of misconduct is initiated by the Grants Administrator, it shall be on the basis of significant violations of institutional and/or sponsor guidelines.
5. In the event the early phase of the inquiry suggests possible misconduct requiring a “Formal Investigation,” the Graduate Dean will increase, up to a total of three, the number of individuals examining the evidence relating to the inquiry. The Ad Hoc Committee shall conduct a prompt, discreet, impartial, and thorough inquiry which includes an opportunity for the person accused to respond. A written and, if appropriate, documented report to the Graduate Dean should be submitted within 60 days. A draft report will be given to the person being investigated who shall have a reasonable time in which to provide comment.
6. If the Ad Hoc Committee determines and the Graduate Dean concurs that the allegation is frivolous, that it cannot be substantiated, and/or that there exists insufficient evidence to justify proceeding further, the inquiry shall be terminated. If the allegation appears to be raised for bad faith reasons, the Ad Hoc Committee must recommend to the Graduate Dean disciplinary action against the accuser. Regardless of outcome, the Graduate Dean, the officials notified, under number 2 of this section, and involved committee members will keep the outcome confidential. The accused and the officials who were notified under section 2 will receive copies of the committee's final report and action of the dean. The final committee report may be the draft report mentioned in number 5 of this section.
7. If the Ad Hoc Committee concludes in its report that the alleged misconduct merits further investigation and appears to represent something more than trivial negligence, the Graduate Dean shall immediately inform the individual against whom misconduct has

been alleged, his/her immediate John Carroll supervisor, the appropriate Chairperson, the Academic Dean, the Academic Vice President, and the Grants Administrator.

8. In the case of research funded by a federal agency or falling under its regulatory authority, the awarding agency will also be notified immediately (a) that a preliminary inquiry has been completed, (b) that the alleged misconduct has been judged worthy of further investigation, and (c) that a formal investigation is in progress.

### **Possible Interim Administrative Actions**

Depending on the magnitude of possible misconduct, as determined by the Ad Hoc Committee conducting the initial inquiry, especially with regard to situations concerning immediate health hazards and/or allegations of criminal conduct, the Graduate Dean may recommend to the Academic Vice President interim administrative actions designed to protect the public or the institution. This may involve interim assurances of compliance, increased monitoring sanctions, or the immediate suspension of some or all research activities of the individual(s) against whom an allegation has been made until further investigations have been completed. Cases involving the use of Public Health Service (PHS) funds will be reported to the Office of Research Integrity.

### **Procedures Governing a Formal Investigations**

1. The Graduate Dean, in consultation with members of the Ad Hoc Committee convened to conduct the preliminary inquiry, will refer the matter to the entire Committee on Research and Service, chaired by the Graduate Dean, along with the report from the preliminary inquiry. This investigation must begin within 30 days after the preliminary inquiry is completed. Additional non-voting consultants may advise the Committee on Research and Service to ensure the availability of expertise appropriate to the nature of the allegation. The dean must inform the members of the Committee on Research and Service, the non-voting consultants, witnesses, and university officials that the proceedings are strictly confidential and that except for necessary notifications required by law, such as, to withdraw publications or data, or to repair other damage to scholarship or the university's reputation, the findings of the investigation are confidential.
2. A thorough and appropriately detailed review of the evidence shall be undertaken by the Committee on Research and Service by whatever means they consider fair and objective preferably retaining the services of persons from the ad hoc committee. The Committee may seek the advice of legal counsel in determining its procedures, and shall convey them in writing to all relevant parties at the earliest opportunity. In devising its procedures, the Committee shall establish precaution against real or apparent conflicts of interest, and take reasonable efforts to insure due process to all individuals affected by the investigation.
3. Detailed, confidential written records shall be kept of all Committee proceedings. Tape recordings may be made of any hearings or interviews if the Committee considers it advisable to do so.
4. At the conclusion of their investigation (which should normally last no more than 120 days), the Committee shall submit a written report to the Graduate Dean for transmittal to the Academic Vice President. This report shall describe the pertinent policies, procedures for obtaining information, the respondent's views, persons interviewed, findings and

sanctions. A copy of this report also is sent to the accused and the other university officials who were notified of earlier phases of the investigation.

5. The recommendations may include personnel actions against the individual(s) committing the misconduct; withdrawal of pending manuscripts emanating from fraudulent research; notification to editors of journals in which suspect reports have already appeared; communication with co-investigators or their employers concerning possible collusion; or reports to extramural sponsors.
6. This report and all other records of the investigation shall be retained in confidence by the Dean of the Graduate School. If the project involved PHS funding, a report shall also be submitted to the Office of Research Integrity who may not be able to guarantee confidentiality if misconduct occurred.

### **Final Actions Based on the Report of a Committee Conducting a Definitive Investigation**

1. If an allegation of scholarly misconduct is not substantiated after either the preliminary inquiry or the definitive formal investigation and the Graduate Dean concurs, all proceedings will be discontinued and the University will undertake diligent efforts to protect and, if necessary, restore the reputations of all those previously involved in the investigation. Regardless of outcome, all pertinent records will be retained for three years.
2. If scholarly misconduct is determined to have occurred, sanctions will be imposed by the Academic Vice President based, in part, upon recommendations forwarded to him.
3. In the case of federally funded research, the sponsor will be notified and appropriate restitution will be made. It should be noted that the funding agency may invoke the right to impose sanctions of its own on the individual researcher.

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