

**STATE UNIVERSITY OF NEW YORK  
COLLEGE AT ONEONTA  
COLLEGE POLICY ON SCIENTIFIC MISCONDUCT**

**I. INTRODUCTION**

**A. Preamble**

A crucial element of any policy on scientific misconduct that is to be fair and effective is a process that will distinguish instances of genuine and serious misconduct from insignificant deviations from acceptable practices, technical violations of rules, simple carelessness, and other such minor infractions. The policy proposed in this document will allow such distinctions to be made in a manner that minimizes disruptiveness and protects the conscientious, honest scientist from false or mistaken accusations.

**B. Policy Statement**

It is the purpose of these policies to instill and promote the principles of professional integrity, to prevent scientific misconduct, and to discover and censure instances of misconduct when they occur. Accordingly,

1. The College at Oneonta will maintain high ethical standards in science and other scholarly work, prevent misconduct where possible, and promptly and fairly evaluate and resolve instances of alleged or apparent misconduct.
2. Every member of the College community has the responsibility of reporting misconduct in scientific work. No person raising serious allegations of misconduct will suffer any penalty; however, frivolous, mischievous or malicious misrepresentation in alleging misconduct will not be tolerated and may result in action against the perpetrator.
3. The College at Oneonta will take appropriate disciplinary action against any individual found guilty of misconduct. This will include disclosure to funding agencies, collaborating scientists and institutions, journal editors, professional associations, licensing boards, and potential employers who request oral or written references.
4. These policies apply to scientific research and related scholarly writing conducted by any member of the University faculty or staff. They are not intended to address issues, such as the conduct of students in fulfilling course requirements, which are covered by other policies.
5. These procedures for the institutional handling of allegations of scientific misconduct normally have four stages:
  - a. an inquiry to determine whether the allegation or related issues warrant further investigation;
  - b. when warranted, an investigation to collect and thoroughly examine evidence;

- c. a formal finding; and
  - d. appropriate disposition of the matter.
6. As a general rule, the College will take no more than 60 days to conduct its inquiry and determine whether an investigation is warranted. If an investigation is to be undertaken, it will begin within 30 days of the conclusion of the inquiry, and the institution shall generally take no more than 120 days to complete the investigation, prepare the report of findings, obtain the comments of the subjects(s) of the investigation, and make a decision of the disposition of the case.
  7. The College will annually report to all funding and sponsoring agencies as follows:
    - a. Assurance that the institution has established an administrative process for reviewing, investigating, and reporting allegations of misconduct in science in connection with sponsored research.
    - b. Provision of such aggregate information on allegations, inquiries, and investigations as funding and sponsoring agencies may prescribe.

## **C. Definitions**

### *1. Scientific Misconduct:*

“Misconduct” or “Misconduct in Science” means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are 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.

### *2. Inquiry:*

An inquiry is an information-gathering and initial fact-finding to determine whether an allegation or apparent instances of misconduct warrant an investigation.

### *3. Investigation:*

An investigation is a formal examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place. If misconduct is confirmed, the investigation should determine the seriousness of the offense and the extent of any adverse effects resulting from misconduct.

## **D. Personnel**

1. The Vice President for Academic Affairs, after consultation with the President and others as necessary, will appoint a member of the faculty/administration to serve as the Misconduct Policy Officer.

## 2. Responsibilities of the Misconduct Policy Officer:

- a. To work confidentially with a complainant in the development of a specific, formal written complaint.
- b. To maintain records of all complaints and institutional responses.
- c. To conduct inquiries and submit recommendations concerning investigations to the Vice President for Academic Affairs.
- d. To assist the Vice President for Academic Affairs in the conduct of formal investigations into allegations of misconduct.
- e. To inform sponsoring and funding agencies as appropriate.

### E. Liability Coverage

The involvement of faculty and staff in inquiries or investigations pursuant to these Guidelines is considered part of their employment duties and responsibilities within the meaning of Section 17 of the Public Officers Law.

## II. INQUIRY AND INVESTIGATION OF ALLEGATIONS

### Inquiry

1. As a first step in the process of inquiry, an initial report of alleged misconduct will be prepared in writing by the Misconduct Policy Officer. The accuracy of this report must be attested to by a statement signed by the person(s) originating the report. The Misconduct Policy Office will then conduct an immediate, informal, discrete inquiry into allegations of misconduct in order to determine whether there is a substantial basis for initiating a formal investigation into the alleged misconduct. The Misconduct Policy Officer will make every effort to safeguard all individual reputations and the integrity of the research. Every effort shall be made to protect the interest and privacy of those who in good faith report apparent misconduct and others who testify. In the conduct of this Inquiry, the Misconduct Policy Officer may consult, on an *ad hoc* basis, with faculty members of his/her choice.
2. The faculty member or other investigator whose research is the subject of the complaint shall be notified that a complaint has been lodged, the nature of the complaint, and the procedures to be followed. The affected individual(s) will be granted confidential treatment to the maximum extent possible, prompt and thorough investigation, and an opportunity to comment on allegations and findings of the inquiry and/or the investigation.

3. Any evidence pertinent to the resolution of the issue shall be made secure by the Misconduct Policy Officer conducting the inquiry.
4. The inquiry shall be conducted in confidence with the purpose of separating unfounded allegation(s) from those of a substantive nature and shall be completed whenever possible within 60 days of the initial receipt of the allegations. At the completion of the inquiry, written report shall be filed with the Vice President for Academic Affairs with an assessment as to whether or not the allegation(s) is/are warranted, and the reasons attendant thereto. The Misconduct Policy Officer will maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was not warranted, if necessary. Such records shall be maintained in a secure manner for a period of at least three years after the termination of the inquiry and shall, upon request, be provided to authorized representatives of sponsoring and funding agencies.
5. Precautions shall be taken against real or apparent conflicts of interest on the part of those involved in the inquiry or investigation.
6. The Vice President for Academic Affairs shall determine on the basis of the written inquiry, and any other consultation deemed necessary, whether the allegations warrant a formal investigation. In either case, the basis for the decision will be fully documented.
7. If the decision of the Vice President for Academic Affairs is that no investigation is warranted, the Vice President for Academic Affairs will notify all those concerned of this determination. The Vice President for Academic Affairs may also examine the propriety of the initial charge and take further action, if appropriate.
8. If the decision of the Vice President for Academic Affairs is that an investigation is necessary, it shall be undertaken formally within 30 days of the completion of the inquiry.

### **The Investigation:**

**Administrative Actions:** If the decision of the Vice President for Academic Affairs is that an investigation is necessary, the Vice President for Academic Affairs or his/her designee will:

1. Appoint a Misconduct Investigation Committee, which will have the following membership:
  - a. Misconduct Policy Officer (Chair)
  - b. Dean/Director of Appropriate Area
  - c. Director of Research & Sponsored Programs (or designee)
  - d. Other Administrators as Appropriate

This committee will conduct the investigation and prepare a report for the Vice President for Academic Affairs.

2. After administrative and legal consultation, inform the Research Foundation, the granting agency and any other parties potentially affected by the investigation of the decision to conduct an investigation. Where there is reasonable indication of possible criminal violations, the appropriate funding agencies will be notified within 24 hours of this determination. Where Public Health Service (PHS) grants are involved, the PHS Office of Scientific Integrity will be notified. During the course of the investigation, funding and sponsoring agencies are to be appraised of any developments which disclose facts that may affect current or potential funding for the individuals(s) under investigation or that the funding agency needs to know to ensure appropriate use of funds and otherwise protect the public interest.
3. Inform the subject of the investigation of the accusations and that formal investigation will be conducted and invite the subject to make written response to the allegations.
4. Consult, as the need arises, on an *ad hoc* basis with faculty members of his or her choice during the formal investigation.
5. Inform collaborator(s) in the research project under investigation and give them the opportunity to comment.
6. Immediately proceed to collect and secure all materials necessary for the investigation.
7. Take interim administration actions, as appropriate, when necessary to protect research funds, human subjects, or equipment.
8. Complete the investigation within 120 days, whenever possible.

**Conduct of the Investigation:**

During the course of the investigation, the Misconduct Investigation Committee will:

1. Receive and review relevant documents, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls.
2. Interview all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations. Complete summaries of these interviews should be prepared,

provided to the interviewed party for comment or revision, and included as part of the investigatory file.

3. Seek additional information as deemed necessary.
4. Consult, when appropriate, with expert(s) from outside the institution.
5. Record and document all relevant information obtained in the course of the investigation. This documentation is to be made available to the appropriate officials of sponsoring agencies, when requested.
6. Analyze and summarize results of the investigation.
7. Prepare and submit a written report to the Vice President for Academic Affairs, including a summary of the investigation, findings, and recommendations for further action.

#### **The Finding:**

At the conclusion of the investigation, the Vice President for Academic Affairs or his/her designee will:

1. Submit a written report to the President of the results of the investigation. Included in this report will be:
  - a. A statement of accusation.
  - b. A statement of the findings.
  - c. An indication of the evidence or lack of evidence of misconduct.
  - d. An evaluation of the seriousness of any misconduct found.
  - e. Recommendations for further action.
2. Submit a copy of the report to the accused for rebuttal.
3. Include any written rebuttal by the accused as an addendum to the report.

#### **III. DISPOSITION**

If an investigation has been launched on the basis of a complaint, and no fraud or misconduct is found, no disciplinary measures should be taken against the complainant and the institution should undertake diligent efforts, as appropriate, to restore the reputation of persons alleged to have engaged in misconduct. It will also undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations. If the allegations are found to have been maliciously motivated, disciplinary actions may be taken against those responsible.

Responsibility for recommending the nature and severity of disciplinary action will rest with the Vice President for Academic Affairs. If misconduct is confirmed, the Vice President for Academic Affairs will make recommendations to the President for appropriate sanctions against the subject.

The President, upon receiving the report from the Vice President for Academic Affairs and any statement of rebuttal by the accused, will make a final determination regarding what actions shall be taken and formally notify all parties, including the awarding agency and the Research Foundation of that decision.

If misconduct is confirmed, the institution will take appropriate action in accordance with Article 19 of the *Agreement* between the State of New York and the United University Professions. A faculty/staff member who is the subject of an inquiry or investigation has, as a matter of course, the right to consultation with legal counsel if he or she chooses. However, the faculty member has the right to representation by counsel in institutional proceedings only after formal disciplinary charges have been filed in accordance with Section 19.8 of the *Agreement* between the State of New York and the United University Professions.

Consideration will also be given to formal notification of other concerned parties, not previously notified, such as:

- Sponsoring agencies, funding sources
- Co-authors, co-investigators, collaborators
- Editors of journals in which fraudulent research was published
- State professional licensing boards
- Editors of journals or other publications, other institutions, sponsoring agencies, and funding sources with which the individual has been affiliated
- Professional societies
- Where appropriate, criminal authorities

#### **IV REPORTING REQUIREMENTS:**

1. An institution's decision to initiate an investigation must be reported in writing to the appropriate officials of the sponsoring and funding State of Federal agencies on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the application or grant number(s) involved.
2. An investigation should ordinarily be completed within 120 days of its initiation. This includes conducting the investigation, preparing the report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the

sponsoring agency. If they can be identified, the person(s) who raised the allegation should be provided with those portions of the report that address their role and options in the investigation.

3. The institution is expected to carry its investigations through to completion, and to pursue diligently all significant issues. If an institution plans to terminate an inquiry or investigation for any reason without completing all relevant requirements, a report of such planned termination, including a description of the reasons for such termination shall be made to the appropriate funding and sponsoring agencies.
4. The final report submitted to the sponsoring agency will describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of and sanctions taken by the institution.
5. If the institution determines that it will not be able to complete the investigation in 120 days, it must submit to the sponsoring agencies written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps. If the request is granted, the institution must file periodic progress reports as requested by the sponsoring agency.
6. The institution is responsible for notifying sponsoring agencies if it ascertains at any stage of the inquiry or investigation that any of the following conditions exist:
  - 1) There is an immediate health hazard involved;
  - 2) There is an immediate need to protect Federal (or State) funds or equipment;
  - 3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is/are the subject(s) of the allegations as well as his/her co-investigators and associates, if any;
  - 4) It is probable that the alleged incident is going to be reported publicly;
  - 5) There is a reasonable indication of possible criminal violation. In that instance, the institution must inform the sponsoring agencies within 24 hours of obtaining that information.

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*These policies draw freely on the language and contents of many published and unpublished documents, including the guidelines developed by the University of Texas, the State University of New York at Albany, SUNY Buffalo, SUNY Binghamton, SUNY Health Science Center at Syracuse, State University College at Buffalo, and the State University College at Potsdam.*