

**Auburn University Montgomery
Policies and Procedures**

Title: Scientific Misconduct Policy

Responsible Office: Vice Chancellor for Academic Affairs

I. PURPOSE

To define scientific misconduct and the process and procedures that will be followed if scientific misconduct is suspected.

II. POLICY

Misconduct in research, herein defined as scientific misconduct, is inappropriate behavior. Allegations of scientific misconduct made against individuals involved in research, or research training, applications for support of research or research training, or related research activities that are supported with funds made available under the Public Health Services Act will be handled according to the procedures included herein.

III. EFFECTIVE DATE

February 25, 1995

REVISED DATE

July 28, 2009

IV. APPLICABILITY

This policy applies to all University employees and students.

V. RESPONSIBILITY

Responsibility for the implementation and administration of this policy rests with the Vice Chancellor for Academic Affairs.

VI. DEFINITIONS

1. **Misconduct or Misconduct in Science** – 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** – information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

3. **Investigation** – the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

VII. PROCEDURES

A. Allegations

1. Initial allegations should be reported to the Dean(s) of the school(s) in which the alleged misconduct occurred. The Dean(s) must immediately report such allegations to the Vice Chancellor for Academic Affairs. If the Vice Chancellor for Academic Affairs has a possible conflict of interest, the allegations shall be referred to the Chancellor. In the event of such conflict, “Chancellor” shall be substituted for “Vice Chancellor for Academic Affairs” hereinafter.
2. The Vice Chancellor for Academic Affairs shall informally review any allegation of scientific misconduct, confer with the appropriate dean(s) and University administrators, and determine whether the allegation warrants initiation to the inquiry process. The Vice Chancellor for Academic Affairs shall discuss with the person making the allegations (hereafter referred to as the complainant(s)) the University’s scientific misconduct policy and procedures. If the complainant(s) chooses to make a formal allegation and the Vice Chancellor for Academic Affairs determines that the allegation warrants initiation to the inquiry process, the inquiry shall be initiated immediately.
3. In order to effectively follow through with any allegations of misconduct, the identity of the complainant(s) must be revealed to the Vice Chancellor for Academic Affairs. Where the complainant seeks anonymity, the Vice Chancellor for Academic Affairs shall operate in such a way as to maintain that anonymity to the degree compatible with accomplishing the initial reviews. However, such anonymity cannot be assured. Further, anonymity of the complainant is neither desirable nor appropriate where any inquiry is instituted.
4. The University shall pursue an allegation of misconduct to the extent it is reasonably capable of doing so, even if the individual(s) against whom the allegation is made (hereafter referred to as the respondents(s)) has left the University before the case is resolved.

B. Inquiry

1. An inquiry is designed to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations. Factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted.
2. The Vice Chancellor for Academic Affairs shall appoint an inquiry Committee of no fewer than three persons. The Committee shall consist of senior tenured faculty who are without conflict of interest, hold no appointment in the department (s) of either the complainant(s) or the respondents(s), and have appropriate expertise for

evaluating the information relevant to the case. In the event of conflict of interest or need to acquire appropriate expertise, the Vice Chancellor for Academic Affairs may go outside the University to select one or more Committee members. Every effort must be made to appoint a Committee of Inquiry within fifteen (15) working days, but the Committee must be appointed within thirty (30) working days from the receipt of the allegations.

3. The inquiry phase, including preparation of the written Report of Inquiry, shall be completed within sixty (60) working days of its initiation unless circumstances clearly warrant a longer period. In such circumstances, the Committee shall advise the Vice Chancellor for Academic Affairs who shall notify all relevant parties. The Report of inquiry shall include documentation for justifying an extension of the sixty (60)-day period.
4. Records and proceedings of the inquiry are confidential and are to be passed on to an Investigation Committee if an investigation is initiated. In any case, the records should be kept secure, and if no misconduct is found, records should be destroyed three (3) years after completion of an inquiry. Making the records public without authorization is grounds for a charge of misconduct.
5. The Vice Chancellor for Academic Affairs is responsible for notifying respondents(s) in writing of the allegations and of the proposed membership of the Committee of Inquiry for the purpose of identifying in advance any real or potential conflict of interest. As the inquiry is informal and intended to be expeditious, principals are expected to speak for themselves. All individuals may have the assistance of legal counsel and shall have the opportunity to present evidence and to call witnesses.
6. All material shall be considered confidential and shared only with those with a need to know. During the inquiry, the Vice Chancellor for Academic Affairs and members of the Committee are responsible for the security of relevant documents. Copies of all documents and related communications are to be securely maintained in the Office of the Vice Chancellor for Academic Affairs.
7. The completion of an inquiry is marked by a determination of whether or not an investigation is warranted. The Committee's recommendation to proceed to an investigation shall be based on demonstrated probable cause for each allegation. The Committee shall prepare a written Report of Inquiry that states what evidence was reviewed, summarizes relevant interviews and includes the findings and recommendations of the inquiry. The Report of Inquiry shall be submitted to the Vice Chancellor for Academic Affairs who shall be responsible for notifying the respondent(s) and complainant(s) of the outcome within ten (10) working days.
8. The respondents(s) shall be given a copy of the Report of Inquiry and the opportunity to comment in writing upon the findings and the recommendations. If the respondent(s) chooses to comment, such comments shall be forwarded as soon as possible but must be forwarded within ten (10) working days. The respondents' comments shall be made a part of the record.
9. If the outcome of the inquiry indicates a need for formal investigation, the Vice Chancellor for Academic Affairs, after notification to the appropriate Dean(s) and

University administrators, shall initiate the investigatory process. Under certain circumstances, as defined by federal regulations, the institution may be expected to notify federal agencies, sponsors, or other entities at a point prior to the initiation of an investigation. Factors used in determining the timing of such notification include the following: (1) there is an immediate health hazard involved; (2) there is an immediate need to protect Federal funds or equipment; (3) there is an immediate need to protect the interests of the complainant(s) or of the respondent(s) 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; or (5) there is a reasonable indication of possible criminal violation.

10. If an allegation is found to be unsupported but has been submitted in good faith, no further action, other than informing all involved parties, shall be taken. The proceedings of an inquiry, including the identity of the respondent(s), shall be held in strict confidence to protect the parties involved. If confidentiality is breached by the University, the University shall take such reasonable steps as are requested to minimize the damage to reputations that may result from unsupported allegations. If the Vice Chancellor for Academic Affairs finds the allegations to be unfounded and malicious, appropriate University procedures may be invoked to address possible actions to be taken against the complainant(s).

C. Investigation

1. The purpose of an investigation is to determine whether scientific misconduct has been committed. The investigation shall focus on accusations of misconduct as defined previously and examine the factual materials of each case. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent(s) shall be informed in writing when significant new directions of investigations are undertaken.
2. The Vice Chancellor for Academic Affairs shall appoint an Investigations Committee of no fewer than three persons. The Committee shall consist of senior tenured faculty who are without conflict of interest, hold no appointment in the departments of either the complainant(s) or the respondent(s), and have appropriate expertise for evaluating the information relevant to the case. In the event of conflict of interest or need to acquire appropriate expertise, the Vice Chancellor for Academic Affairs may go outside the University to select one or more Committee members. Every effort shall be made following the determination that an investigation is warranted to appoint an Investigation Committee within fifteen (15) working days, but the Committee must be appointed within thirty (30) working days. The Investigation Committee may or may not consist of the same members of the Inquiry Committee.
3. Every effort should be made to complete the investigation within one-hundred twenty (120) working days of its initiation; however, it is acknowledged that some cases may render this time period difficult to meet. In such cases, the Investigation Committee should compile a progress report, identify reasons for the delay and

notify the Vice Chancellor for Academic Affairs of the additional time necessary for the investigation. The Vice Chancellor for Academic Affairs shall convey to all relevant parties such information as may be required.

4. The Vice Chancellor for Academic Affairs is responsible for notifying all parties in writing of the allegations and of the procedures that shall be used to examine the allegations. Further, they shall be informed of the proposed membership of the Investigation Committee for the purpose of identifying in advance any real or potential conflict of interest.
5. All parties to the case may be represented by legal counsel, may present evidence, and may call and examine witnesses. The investigation normally shall include examination of all documentation, including but not limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. The Committee shall attempt to 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. Summaries of these interviews shall be provided to the interviewed party for comment or revision and included as part of the investigatory file. The Committee may request the involvement of outside experts. The investigation must be sufficiently thorough to permit the Committee to reach a decision about the validity of the allegation(s) and the scope of the wrong doing or to be sure that further investigation is not likely to alter an inconclusive result. In addition to making a judgment on the veracity of the charges, the Committee may recommend to the Vice Chancellor of Academic Affairs appropriate sanctions.
6. As the University is interested in protecting the health and safety of research subjects, students and staff, interim administrative action prior to conclusion of either the inquiry or the investigation may be warranted. Such action ranging from slight restrictions to complete suspension of the respondent(s) and notification of external sponsors, when required by federal regulations, is initiated by the Vice Chancellor of Academic Affairs.
7. All parties in the investigation are encouraged to cooperate by producing any additional data requested for the investigation. Copies of all materials secured by the Committee shall be provided to the respondent(s) and may be provided to other concerned parties as judged appropriate by the Committee. The respondent(s) shall have an opportunity to address the charges and evidence in detail.
8. After all evidence has been received, the Investigation Committee shall meet to deliberate and prepare its finding and recommendations. The committee shall find no scientific misconduct unless a majority of the members conclude by clear and convincing evidence based on the record as a whole that the allegation(s) have been substantiated. All significant developments during the investigation as well as the findings and recommendations of the Committee shall be reported by the Vice Chancellor for Academic Affairs to all federal agencies, sponsors, or other entities with a need to know.

9. Upon completion of the investigation, the Committee shall submit to the Vice Chancellor for Academic Affairs a full written report which details the Committee's findings and recommendations. This report shall be sent also to the respondent(s) by the Vice Chancellor for Academic Affairs within ten (10) working days of its receipt. The respondent(s) shall be given the opportunity to comment in writing upon the finding and the recommendations. If the respondent(s) chooses to comment, such comments shall be forwarded as soon as possible but must be forwarded within ten (10) working days. The respondents' comments shall be made a part of the record.
10. The Vice Chancellor for Academic Affairs shall submit the final Report of Investigation to the Public Health Service (PHS). All records of the investigation shall be retained for a period of three (3) years after PHS acceptance of the final Report of Investigation.

D. Resolution

1. In the absence of a finding of scientific misconduct, all parties informed of the investigation shall be informed in writing that allegations of misconduct were not supported. If the allegations were deemed to have been unfounded and maliciously motivated, appropriate actions shall be taken against the complainant. If the allegations were deemed to have been made in good faith, no additional measures are indicated and efforts shall be made to prevent retaliatory actions. In publicizing the findings of no misconduct, the University shall be guided by whether public announcements shall be harmful or beneficial in restoring any reputation(s) that may have been damaged. Usually, such a decision shall be made in conjunction with the person(s) who was innocently accused.

E. Appeal

1. Respondent(s) may appeal the decision of the Vice Chancellor for Academic Affairs. A written statement of the grounds for the appeal must be submitted to the Chancellor within thirty (30) working days of written notification of the sanction(s). Appeals shall be restricted to the body of evidence already presented, and the grounds for appeal shall be limited to failure to follow appropriate procedures in the investigation or decisions/recommendations not supported by any reasonable evidence. Upon receipt of a written appeal, the Chancellor shall evaluate the evidence and make a determination. The Chancellor's decision shall be binding on all parties and shall be conveyed to all involved within twenty (20) working days.
2. Although new previously unconsidered material evidence is not grounds for an appeal, the respondent(s) may submit a request to the Chancellor to reopen the investigation in the event such evidence becomes available.

VIII. SANCTIONS

When it has been determined that scientific misconduct has occurred, the Vice Chancellor for Academic Affairs shall consider the recommendations of the Committee and shall be responsible for determining and implementing sanction(s) as appropriate. The respondent(s) shall be notified in writing of the sanction(s) within twenty (20) working days. If the sanction(s) involve termination of employment, the University termination procedures shall be invoked. The University must take action appropriate for the seriousness of the misconduct. Sanctions shall not be imposed during the appellate process.

IX. INTERPRETATION

Any questions arising concerning this policy will be interpreted by the Vice Chancellor for Academic Affairs.