

## **POLICIES AND PROCEDURES FOR ADDRESSING ALLEGATIONS OF POSSIBLE MISCONDUCT IN SCIENTIFIC RESEARCH**

### **Introduction**

Science scholars at Wesleyan University strive to maintain the highest professional standards and realize that unethical practices in the conduct of scientific research represent a grave breach of trust between the researcher and the scientific community. Because of their potential impact on the integrity of the body of scientific knowledge, and on the reputations of the University and its researchers, allegations of misconduct in scholarship and research must be dealt with in a prompt, serious, and decisive way. The following policies for dealing with instances of alleged misconduct have been formulated to conform to the requirements of Section 493 of the Public Health Service (PHS) Act (and also Section 501 (f) of the PHS Act as amended by Section 2058 (a) (2) (C) of the Anti-Drug Abuse Act of 1988), and to conform to National Science Foundation regulations that set forth the standards expected of grantee institutions in preventing, detecting, investigating, and correcting misconduct involving individual researchers.

### **Definitions**

The definition of misconduct will conform to that required by the funding agency involved. Current NIH and NSF guidelines define misconduct in scientific research as including: 1) 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; 2) material failure to comply with federal requirements for protection of researchers, human subjects, or the public, or for ensuring the welfare of laboratory animals; 3) retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.

Allegations of misconduct in scholarship and research are resolved in two stages:

An *inquiry* consists of information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

## Scientific Misconduct

An *investigation* is the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, to determine its scope, and to evaluate the seriousness of the offense.

### General Policies

The resolution of a case involving alleged misconduct in scholarship and research involves the accused, the University, the relevant funding agency (i.e., the one that funded the work), and all relevant witnesses. In order for all parties to be treated fairly and for the funding agency to be kept adequately apprised of the developing case, the following guidelines must be adhered to at all times during the proceedings.

1. The University will notify the funding agency immediately if it determines during the course of the inquiry or investigation that any of the following conditions exists:
  - a. The seriousness of the apparent misconduct warrants it.
  - b. Immediate health hazards are involved.
  - c. There is an immediate need to protect the interest of the person(s) making the allegations or the interest of the person(s) making the allegations or the individual(s) who is subject of the investigation.
  - d. There is an immediate need to protect funding agency resources, reputation, or other interests.
  - e. It is probable that the alleged incident is going to be reported publicly.
  - f. There is a reasonable indication of possible criminal violation.
2. The position(s) and reputation(s) of person(s) making the allegations in good faith must be protected.
3. To the extent possible, the confidentiality of all proceedings must be maintained.
4. Questions of procedure and policy which are not explicitly addressed herein will conform to the specific requirements of the funding agency.

## Scientific Misconduct

### **Inquiry Procedures**

1. Allegations of misconduct in scholarship and research will be referred, in writing, to the appropriate academic dean who will notify the vice president for academic affairs (VPAA). If more than one division is involved, then the dean of the other division(s) will also be notified of the allegation. For scientific misconduct the Dean of Division III will serve as the Research Integrity Officer. When an accusation of misconduct is made, the matter is no longer an issue between the accuser and the accused, but between the University and the accused.
2. Inquiry, or if called for investigation, shall be carried out through standing or ad hoc arrangements, as seems appropriate by the appropriate dean, in consultation with the VPAA.
3. The goal of the inquiry will be to conduct preliminary information gathering and fact finding to determine if the accusation of scientific misconduct has enough substance to warrant a more detailed investigation.
4. The inquiry should be conducted under strict rules of confidentiality, and should be conducted in a manner to avoid any real or apparent conflict of interest. If necessary, appropriate experts to evaluate relevant data may be secured.
5. The inquiry must be completed within 60 days of its initiation unless circumstances clearly warrant a longer period. If the inquiry is not completed within 60 days, the record of the inquiry will document the reasons for exceeding the 60-day period.
6. A written report will be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The accused's comments or response to the inquiry report will be made part of the record.
7. The Inquiry Committee will forward the results of inquiry to the dean(s) and the VPAA with recommendations on the need for an investigation.
8. Based on the inquiry report the VPAA, in consultation with the dean(s), will determine whether or not to proceed with an investigation. If the charges are found to be without merit or can be resolved by mediation between the accused

## Scientific Misconduct

and the accuser, then the matter may be dismissed. The basis for the finding will be documented.

9. If the VPAA, in consultation with the dean(s), determine that there is a need for an investigation, the granting agency supporting the research will be informed immediately. The granting agency will be informed of the name(s) of the person(s) being investigated, the general nature of the allegation(s), and the application or grant number(s) involved.

### **Investigation Procedures**

1. If the accused is a faculty member, the investigation, as described below, will be conducted by the VPAA or his/her delegate as described for an inquiry. Cases of alleged academic fraud by students shall be subject to the normal disciplinary rules and processes governing students. If the accused is a staff member, the investigation will be conducted by the Office of Human Resources.

2. The investigation should be conducted under strict rules of confidentiality. Its purpose is to determine whether misconduct in scholarship and research, as defined above, has in fact occurred, and to determine how serious an offense it represents. The investigation should be conducted in a manner to avoid any real or apparent conflict of interest and should include participation by faculty members with appropriate expertise to provide a thorough and authoritative evaluation of the relevant evidence.

3. The investigation must begin within 30 days of the completion of the inquiry, and must be completed within 120 days of its initiation. If the institution determines that it will not be able to complete the investigation in 120 days, it must submit a written request for an extension to the affected agency and an explanation for the delay. The explanation must include an interim report on the progress to date and an estimate for the date of completion of the investigation.

4. The funding agency will be notified of any significant developments during the course of the investigation. The investigators may examine all relevant documentation, including original research documents. If necessary, appropriate experts to evaluate relevant data may be secured.

5. The investigators may interview any individuals involved. A stenographer will be provided and transcripts of the interviews will be prepared. Each

## Scientific Misconduct

interviewed witness will be allowed to review and comment on the transcript of his/her testimony. Transcripts with accompanying comments will be made a part of the investigatory file.

6. A written report containing the findings of the investigation will be prepared. The report will be given to the accused for comment before a final recommendation is made. The accused's response will become part of the report. The final report containing the findings and the recommendations of the investigators will be sent to the VPAA.

7. In the case of substantiated misconduct, the VPAA will either take final action short of dismissal or suspension without pay, or if he/she seeks dismissal or suspension without pay will bring the matter to the FCRR.

8. The affected funding agency must be notified of the final outcome. The final report must include: a) a description of policies and procedures under which the investigation was conducted; b) how and from whom information was obtained; c) the findings and the basis for the findings; c) the response of the accused person(s); e) a description of the sanctions imposed by the institution.

## Scientific Misconduct