

2. DEFINITIONS

2.1

There can be more than one complainant in any inquiry or investigation.

2.2

mislead.

2.3

changing or omitting data or results such that the research is not accurately represented in the research record [i.e.the record of data or results that embody the facts emerging from the research, and includes, but is not limited to, research proposals, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and books].

2.4

adopted rules
establishing standards for institutional responses to allegations of research misconduct.

2.5

establishing standards for institutional responses to allegations of research misconduct.

2.6

of Health and Human Services that is responsible for overseeing the implementation of PHS policies and procedures on research misconduct.

2.7

the Public Health Service, a component of the U.S. Department of

inductive or deductive reasoning, an error in planning or carrying out experiments, or a calculation mistake.

2.11

is directed or the person who is the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

3. GENERAL PRINCIPLES

3.1 Research misconduct cannot be tolerated and will be firmly dealt with when found to exist.

3.2 For purposes of resolving allegations of research misconduct, the process established by this policy shall apply to allegations of fabrication, falsification or plagiarism. All other allegations of research misconduct shall be resolved using other applicable University policies and procedures.

3.3 Charges of research misconduct shall be promptly reviewed and a copy of this policy shall be made available to the complainant. Allegations must be made in writing, and signed and dated by the complainant. If health or safety is involved, prompt remedial action shall be taken.

3.4 Every effort shall be made to protect the rights and the reputations of everyone involved, including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s). A good faith allegation is made with the honest belief that research misconduct may have occurred. Persons making a good faith allegation shall be protected against retaliation. Individuals who believe they have suffered retaliation may consult either the Faculty Handbook or Staff Handbook (Policy No. 703) regarding options for filing a complaint under the Institutional Policy that protects against sexual and other unlawful harassment.

Persons making allegations in bad faith will be subject to disciplinary action, up to and including termination or expulsion. An allegation is made in bad faith if the complainant knows that it is false or makes the allegation with reckless disregard for or willful ignorance of facts that would disprove it.

3.5 All members of the University community are expected to cooperate with committees conducting inquiries or investigations.

3.6 Care will be exercised at all times to ensure confidentiality to the maximum extent possible and to protect the privacy of persons involved in the research under inquiry or investigation. The privacy of those who report misconduct in good faith will also be protected to the maximum extent possible. Files involved in an inquiry or investigation shall be kept secure and applicable state and federal law shall be followed regarding confidentiality of personnel records.

5.3 Inquiry Committee

A committee of three persons appointed by the Provost shall carry out the inquiry; one of the

The inquiry committee final report will be sent to the Provost, who will determine whether the results of the inquiry provide sufficient evidence of possible research misconduct to warrant conducting an investigation or whether the matter will not be pursued further. The respondent and complainant shall be notified in writing of the decision. The inquiry report will also be sent to the sponsoring agency and/or ORI as required by federal regulation.

6. INVESTIGATION

6.1 Purpose and Initiation

The purpose of the investigation is to explore the allegations in detail, examine the evidence in depth, and determine specifically whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify altering the scope of the investigation. If any additional instances of possible misconduct involve a different respondent, the matter should be sent to the Provost to determine whether to initiate a preliminary assessment or address the issue as part of the existing investigation.

The investigation committee will be appointed and the process initiated within thirty (30) days after the conclusion of the inquiry. If required by sponsoring agency regulations, the University shall notify the agency of its decision to commence an investigation on or before the date the investigation begins.

6.2 Securing Research Records

Any additional pertinent research records that were not previously sequestered during the inquiry will be immediately sequestered when the decision is made to conduct an investigation. The Provost will direct this process. This sequestration should occur before or at the time the respondent is notified that an investigation will begin. The need for additional sequestration of records may occur for any number of reasons, including a decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured.

6.3 Investigation Committee

A committee of five persons appointed by the Provost shall conduct the investigation. Committee members should be selected on the basis of relevant research background and experience. All persons appointed from Wilkes University shall be tenured faculty. Tenured faculty members from other universities may be named to the investigation committee if a sufficient number of qualified Wilkes University faculty members are not available. Members of the committee shall have no real or apparent conflicts of interest in the case, shall be unbiased, and shall, together, possess sufficient expertise to enable the committee to conduct the investigation. No more than two members of the inquiry committee may be appointed to serve on the investigation committee.

The respondent shall be notified of the proposed committee membership and may object in writing to any of the proposed appointees on the grounds that the person, or the committee as a whole does not meet the criteria stated above. The Provost will consider the objection and if it has merit, shall make appropriate substitution(s). The

6.6 Institutional Review and Determination

The investigation committee final report will be forwarded to the Provost who will make the final determination whether to accept the investigation report, its findings, and the

reviewed and analyzed by the investigation committee. The Provost may also return the report to the investigation committee with a request for further fact-finding or complainant.

Respondent may appeal the final determination to the University President. An appeal is limited to: (1) a claim of procedural error; and/or (2) a claim that the sanction imposed as a result of a finding of research misconduct is inappropriate.

The investigation shall be completed

thereby. Depending on the circumstances, consideration should be given to notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of research misconduct was previously publicized, expunging all reference to the research misconduct allegation

advancement to candidacy that occurred during the investigation. Any institutional

7.3 Protection of the Complainant and Others

Regardless of whether Wilkes University determines that research misconduct occurred, reasonable efforts will be undertaken to protect complainants who made allegations of scientific misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. The Provost will also take appropriate steps during the inquiry and investigation to prevent retaliation against the complainant. Individuals who believe they have suffered retaliation may consult either the Faculty or Staff Handbook regarding options for filing a complaint.

7.4 Allegations Made in Bad Faith

If relevant, t

misconduct was made in good faith. If an allegation was made in bad faith, appropriate disciplinary action will be taken in accordance with Wilkes University policies and procedures.

If the complainant is not associated with Wilkes University, appropriate organizations or authorities may be notified and administrative or legal action considered.

8. OTHER CONSIDERATIONS

to ensure appropriate use of federal funds and otherwise protect the public interest.

8.1.5 ORI shall be notified at any stage of the inquiry or investigation if any of the following conditions exist:

- (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 person(s) making the allegations or of the individual(s) who is the subject 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) the allegation involves a public health sensitive issue (e.g. a clinical trial); or
- (6) there is reasonable indication of possible criminal violation in which case Wilkes University must inform ORI within 24 hours of obtaining that information.

8.2 Requirements for Reporting When NEH or NSF Funding is Involved

8.2.1

