

University at Albany Policy and Procedures on Misconduct in Research and Scholarship¹

I. Policy

This policy addresses violations of academic integrity as related to misconduct in research and scholarship, including corresponding misconduct in artistic expression that is not protected by freedom of expression (hereinafter referred to as "misconduct"). **Misconduct in research and scholarship** means:

- (1) misrepresentation of academic credentials or scholarship in securing awards, grants, or recognition;
- (2) fabrication, falsification, or plagiarism in proposing, conducting, or reviewing research or in research results; or
- (3) other practices involving violations of academic integrity that significantly deviate from practices commonly accepted within the academic community in research and scholarship and in artistic performance and expression.

Maintenance of high ethical standards in research and scholarship is a central and critical responsibility of the University. In keeping with the commitment to integrity in the pursuit of truth, and in compliance with federal regulations, the University at Albany will immediately review reports of suspected misconduct or other evidence of misconduct; thoroughly investigate such instances if the initial inquiry concludes that an investigation is warranted; take appropriate action following the investigation, including imposition of sanctions if allegations of misconduct are substantiated; and fulfill reporting and other federal requirements in the case of sponsored research.

This policy shall be followed in responding to all reports of suspected misconduct on the part of faculty, researchers, staff, and students. This policy is not limited to acts of misconduct committed while the individual was affiliated with the University.

In the case of students, this policy shall not apply to academic course work which is covered under the provisions of academic integrity as contained in the Undergraduate and Graduate Bulletins.

Definitions of key terms are given in the Appendix.

¹ This policy document implements the "*Recommendations and Policy Framework on Responding to Misconduct in Research and Scholarship*," ~~approved by the as~~ University Senate ~~on March 17, 2003~~ bill 0203-04. A first draft version was completed by the Office of the Vice President for Research in May 2003. The Committee on Ethics in Research and Scholarship completed a substantially revised version in summer 2004. The final version incorporates additional input that was received from the Council on Research, the Vice President for Research, the Office of the University Counsel, and a number of faculty during fall 2004 and passed as senate bill 0405-02. It has been amended by senate bills 0405-25, 0506-27 and 0809-xy.

39 **II. Summary of Procedures**
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41 The institutional response to reports of suspected misconduct includes the
42 following steps. Detailed guidelines and procedures are described in the
43 remainder of this policy.
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45 **II. A. Initial Assessment of Suspected Misconduct**

46 Suspected misconduct is reported to the Vice President for Research who informs
47 the Chair of the Committee on Ethics in Research and Scholarship (CERS).
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49 **II. B. Inquiry**

50 If either the Vice President for Research or the CERS Chair concludes that an
51 inquiry should be conducted, an Inquiry Committee will make a recommendation
52 to the President as to whether the allegation of misconduct warrants a formal
53 investigation. Under some circumstances, as noted in section IV, the inquiry
54 phase can be omitted or streamlined.
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56 **II. C. Investigation**

57 If the President authorizes an investigation, an Investigation Committee formally
58 examines and evaluates the evidence and other relevant information to
59 determine if misconduct has occurred.
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61 **II. D. Institutional Actions**

62 The President reviews the investigation report and the recommendation of the
63 Vice President for Research, makes the final determination whether misconduct
64 has occurred, and imposes appropriate institutional sanctions.
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68 **III. General Guidelines for Assessment, Inquiry and Investigation of**
69 **Allegations of Misconduct**
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71 In accord with its principles and in compliance with federal regulations, the
72 University will adhere to the following guidelines.
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74 **III. A. Rights and Responsibilities of the Complainant**

75 Rights: The Vice President for Research will make every effort to ensure the
76 privacy and confidentiality of complainants. The University will protect, to the
77 maximum extent possible, the position and the reputation of those who in good
78 faith report alleged misconduct in research.
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80 The Vice President for Research will work to ensure that complainants will not be
81 retaliated against in the terms and conditions of their employment or other
82 status at the University and will review instances of alleged retaliation for
83 appropriate action. Any alleged or apparent retaliation should be reported
84 immediately to the Vice President for Research.
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86 The complainant who has signed the confidentiality statement will be ~~provided a~~
87 ~~copy of the formal allegations when and if an inquiry is opened.~~ informed
88 whether or not an inquiry and investigation is initiated. The complainant will
89 have the opportunity to review ~~portions of the inquiry and investigation reports~~
90 ~~pertinent to~~ the complainant's report or testimony, ~~and~~ The complainant will be
91 informed in writing ~~of the results of the inquiry and investigation,~~ and of the final
92 determination. After the final determination ~~and upon request to the Vice~~
93 ~~President for Research,~~ the complainant ~~shall~~ may, at the discretion of the
94 President, be given access to the full ~~documentation~~ record of the review process
95 or final determination.

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97 Responsibilities: The complainant is responsible for making allegations in good
98 faith, maintaining confidentiality of the proceedings and any information and
99 documents created as a part thereof, and cooperating fully with an inquiry
100 and/or investigation. A complainant who refuses to sign a statement of
101 confidentiality waives his or her right to notification and reports. The
102 responsibility of the complainant is to serve as a witness, not to serve as an
103 advocate for any particular review process or final determination.

104 105 106 **III. B. Rights and Responsibilities of the Respondent**

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108 Rights: The respondent of an allegation of misconduct will be afforded fairness
109 and respect, a prompt inquiry into the allegations, and a thorough investigation if
110 one is deemed necessary. The University will assure the rights of the accused
111 person(s) to respond to the allegations both during the course of and at the
112 conclusion of any inquiry and investigation.

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114 The respondent will be informed of the allegations in writing when an inquiry is
115 opened and notified in writing of the final determinations and resulting actions.
116 The respondent may be requested to provide testimony by the inquiry and
117 investigation committees, and will have the opportunity to review the draft
118 inquiry and investigation reports, and to have the advice of counsel.

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120 When insufficient evidence of possible misconduct is found, the Vice President
121 for Research will, as appropriate, undertake diligent efforts to restore the
122 reputation of the respondent.

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124 Responsibilities: Except as far as necessary to prepare an effective response,
125 the respondent is responsible for maintaining confidentiality of the proceedings
126 and any information and documents created as a part thereof and cooperating
127 fully with the conduct of an inquiry and/or investigation.

128 129 **III. C. Conflict of Interest**

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131 The University will take precautions against real or apparent conflicts of interest
132 on the part of those involved in any inquiry and investigation resulting from an
133 allegation of misconduct. Any party with a real or apparent conflict of interest

134 shall recuse themselves from all aspects of the misconduct investigation. In
135 cases where the Vice President for Research has a real or apparent conflict of
136 interest, reports of suspected misconduct will be referred by him/her to an
137 administrator designated by the Provost. In cases where the Chair of CERS has
138 a real or apparent conflict of interest, the Chair of the Senate shall designate
139 another member of CERS. The designees will then act in the place of the Vice
140 President for Research and/or the Chair of CERS, as applicable, under this policy.

141 **III. D. Confidentiality**

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144 Throughout the inquiry and investigation process the confidentiality of
145 information regarding the complainant, the respondent, and other affected
146 individuals will be protected to the maximum extent possible, consistent with the
147 law, University policy, state and federal regulations, and effective and efficient
148 proceedings. All members of inquiry and investigation committees and other
149 participants, such as staff or advisors to the inquiry and investigation committees
150 must observe confidentiality of the proceedings and any information and
151 documents reviewed as a part thereof and sign a confidentiality statement.
152 Outside of official contexts, they must not discuss the matter with the
153 respondent, complainant, witnesses, or anyone not authorized by the Vice
154 President for Research. The Vice President for Research should share
155 information with other university officials only ~~in exceptional situations~~
156 necessary or as called for in this policy or SUNY policies. The obligation of
157 confidentiality pertains to the complainant and the respondent as well. In
158 instances in which confidentiality has been violated, the Vice President for
159 Research may recommend to the President that sanctions should be considered.
160 If the final institutional determination results in a finding of misconduct, the
161 President of the University will determine what additional parties shall be notified
162 of the outcome, with consideration of the recommendations of the Investigation
163 Committee and the Vice President for Research, and consistent with SUNY
164 policies and applicable laws.

165 **III. E. Membership of Committees**

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168 Members of Inquiry and Investigation Committees shall be individuals who do
169 not have real or apparent conflicts of interest, are unbiased, and have the
170 necessary expertise to evaluate the evidence. They may be faculty members,
171 administrators, or other qualified persons, and may be from inside or outside the
172 University.

173 **III. F. Procedural Issues**

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176 The chairs of the Inquiry and Investigation Committees may consult with the
177 Vice President for Research regarding the inquiry or investigation, as appropriate.
178 Any member of these committees concerned about procedures or process should
179 first consult with the chair of the appropriate committee and, if the issue is not
180 resolved, with the Vice President for Research as the institutional official
181 responsible for the case. In this instance, the Vice President for Research will

182 adjudicate the issue in consultation with the chair of the relevant committee, the
183 committee member, and the CERS chair.

184 **III. G. Regulatory Requirements**

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187 In case the alleged misconduct involves research supported by federal agencies,
188 the University will comply with applicable current federal procedural guidelines
189 and regulations.

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191 The University will comply with all New York State and federal regulations
192 regarding maintenance and access to records and documentation resulting from
193 inquiries and investigations into alleged misconduct. The University will take
194 appropriate interim administrative actions to protect federal and other funds and
195 ensure that the purposes of the federal financial assistance are being carried out.
196 At any time during an inquiry or investigation, where applicable, the University
197 shall immediately notify the appropriate federal sponsoring agency

- 198 • if public health and safety is at risk;
- 199 • if sponsoring agency resources or interests are threatened;
- 200 • if research activities are suspended;
- 201 • if there is a reasonable indication of possible violations of civil or criminal
202 law;
- 203 • if federal action is required to protect the interests of those involved in
204 the investigation;
- 205 • if the University believes the inquiry or investigation may be made public
206 prematurely so that appropriate steps can be taken to safeguard evidence
207 and protect the rights of those involved; and
- 208 • if the research community or public should be informed.

209 **III. H. Evidentiary Standards**

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212 The burden of proof for making a finding of misconduct is on the University.

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214 The standard of proof for a finding of misconduct will be by a preponderance of
215 evidence. This means that the evidence shows that it is more likely than not that
216 the respondent committed misconduct.

217 **III. I. Maintenance of Documents**

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220 The Vice President for Research or his/her designee shall locate, collect,
221 inventory, and secure relevant research records to prevent the loss, alteration, or
222 fraudulent creation of records. During this process the Vice President for
223 Research or his/her designee shall follow the guidelines detailed in the *National*
224 *Institutes of Health's Office of Research Integrity (ORI) Model Procedures*. The
225 University will maintain for at least seven years complete documentation of the
226 investigation process, proceedings, inquiry and investigation reports, findings,
227 recommendations, and final determination. Documents shall be kept in the
228 offices of the Vice President for Research for safekeeping.

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230 Upon request to the Vice President for Research, the ~~complainant and the~~
231 respondent shall be given access to the complete documentation for review.

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233 **IV. Stage 1: Reporting of Suspected Misconduct and Initial** 234 **Assessment**

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236 All employees or individuals associated with the University should report
237 observed, suspected or apparent misconduct to the Vice President for Research.
238 To the extent possible, the identity of complainants who wish to remain
239 anonymous (such as a student who provides evidence of plagiarism in the form
240 of published articles) will be kept confidential. If an individual is unsure whether
241 a suspected incident falls within the definition of misconduct detailed in this
242 policy, or if that individual wishes to learn more about general procedural
243 matters pertaining to this policy, he or she may informally contact the Vice
244 President for Research or the Chair of CERS. Reports of suspected misconduct,
245 or other evidence of possible misconduct, from whatever source, will receive
246 immediate attention. The Vice President for Research will promptly and fully
247 inform the CERS Chair of any report or evidence of possible misconduct that has
248 been received.

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250 Following receipt of an allegation, the Vice President for Research shall review
251 any record of prior allegations, inquiries, and/or investigations involving the
252 respondent. Such records may be included in any further review of the current
253 allegation. Allegations that are substantially identical to a case that has been the
254 subject of an earlier Investigation, without providing significant new evidence,
255 shall be dismissed with reference to the earlier disposition.

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257 A reasonable basis exists for an inquiry if the allegation is sufficiently credible
258 and specific so that potential evidence of misconduct may be identified and the
259 allegation falls within the definition of misconduct in research and scholarship.

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261 If the allegation concerns activities which exceed the ORI statute of limitation of
262 six years, the misconduct review process may proceed if the evidence is
263 sufficiently significant.

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265 If either the Vice President for Research or the CERS Chair concludes that a
266 reasonable basis for an Inquiry exists,
267 the Vice President for Research will initiate an Inquiry, or as appropriate, an
268 Investigation, within 14 calendar days by preparing a formal written allegation
269 outlining the charges of suspected misconduct. In circumstances that are
270 sufficiently credible and specific, and that are not countermanded by federal
271 policy, the Vice President for Research and the CERS chair, if, in agreement, may
272 propose to the President to proceed directly to investigation.

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274 A written record of the reasons supporting their decision either to proceed or
275 not to proceed ~~with an Inquiry beyond the assessment phase~~ shall be maintained
276 in the office of the Vice President for Research. ~~The complainant shall be~~
277 ~~informed of the decision and may review the written record upon request~~

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If during the assessment of suspected misconduct it is determined that the suspected misconduct pertains to another area of non-compliance (~~human subjects, animal subjects, fiscal fraud, etc.~~), the Vice President for Research ~~will~~ may refer the individual or evidence to other institutional officials or authorities, as appropriate.

V. Stage 2: Inquiry

The purpose of the inquiry is to ~~make a preliminary evaluation of the available evidence and testimony of the complainant, respondent, and key witnesses to determine whether there is sufficient evidence of possible misconduct to~~ determine whether the allegation warrants an investigation. An investigation is warranted if the allegation falls within the definition of misconduct in research and scholarship, and preliminary information-gathering indicates that the allegation may have substance. The inquiry phase may draw on testimony or written statements of the complainant, respondent, and key witnesses if necessary to determine whether there is sufficient evidence of possible misconduct to warrant an investigation. An inquiry does not require a full review of all the evidence related to the allegation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct occurred or who was responsible.

V. A. Initiation of the Inquiry

In initiating the inquiry, the Vice President for Research shall prepare a formal allegation in writing and clearly identify any related issues that should be evaluated. The Vice President for Research ensures that pertinent records (or citations to them) are obtained and placed in an inquiry file.

V. B. Formation of the Inquiry Committee

If it is determined that an Inquiry is appropriate, ~~In consultation with the CERS chair,~~ the Vice President for Research, in consultation with the CERS chair, shall appoint the Inquiry Committee and its chair within 10 calendar days of the initiation of the inquiry. The Inquiry Committee shall include at least one CERS member and additional members as needed for expertise. ~~Neither t~~The CERS chair nor the Vice President for Research shall ~~not~~ serve on the committee.

V. C. Notification of the Respondent and Complainant

The Vice President for Research will notify the respondent in writing of the initiation of the inquiry. The notification should:

- include the written allegation(s) and identify the research, scholarship, or artistic performance or expression in question,
- list the members of the Inquiry Committee, and

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- include a copy of the University at Albany Policy and Procedures on Misconduct in Research and Scholarship.

327 This notification shall be transmitted to the respondent within 10 calendar days
328 of the initiation of the inquiry. If this time is exceeded, the respondent and
329 complainant shall be notified of the delay and the record of the inquiry shall
330 include a justification for the delay.

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332 The respondent may submit a written objection to any appointed member of the
333 Inquiry Committee based on perceived bias or conflict of interest within 5
334 calendar days of notice. Upon receipt of such objection the Vice President for
335 Research will promptly determine in consultation with the CERS Chair whether to
336 replace any challenged member with a qualified substitute.

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338 The Vice President for Research shall notify the complainant in writing of the
339 initiation of the inquiry, ~~of the formal allegation(s),~~ and of the obligation to
340 cooperate in the inquiry.

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342 **V. D. Response to Allegation**

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344 If the respondent admits to any material aspect of the allegation(s) of
345 misconduct, he or she should be asked to sign a statement attesting to the
346 occurrence and the extent of the misconduct. An admission of misconduct will
347 automatically terminate the inquiry process and result in the Vice President for
348 Research recommending an investigation to the President.

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350 **V. E. Procedures**

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352 The inquiry must be completed within 60 calendar days of its initiation unless
353 circumstances clearly warrant a longer period. If the inquiry takes longer than
354 60 calendar days to complete, the respondent and complainant shall be notified
355 of the delay and the record of the inquiry shall include documentation of the
356 reasons for exceeding the 60-day period.

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358 The Vice President for Research shall ensure that individual interviews are
359 scheduled with the respondent and complainant, if necessary ~~so that the inquiry~~
360 ~~process has direct input from both parties.~~ The interviews shall be conducted by
361 the Inquiry Committee and staffed by the Office of the Vice President for
362 Research. The Committee will permit the respondent, complainant, or witnesses
363 to bring an advisor to the interview. The advisor may act solely as an observer
364 and shall not participate in the proceedings. The University shall always have
365 the option of having its attorney present.

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367 Interviews with the respondent will be transcribed or recorded. Interviews with
368 anyone else will be summarized, recorded, or transcribed.

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370 **V. F. Inquiry Report**

371 The Inquiry Committee shall submit a written report to the Vice President for
372 Research. This report must indicate what evidence was reviewed, summarize
373 statements and interviews from relevant individuals, and present the conclusions
374 of the committee as to whether sufficient evidence exists to warrant an
375 investigation. The Vice President for Research will provide the respondent with a
376 copy of the draft inquiry report for comment and rebuttal and will provide the
377 complainant with those portions of the draft report that address ~~the~~
378 ~~complainant's role and opinions in the inquiry~~his or her~~the complainant's own~~
379 testimony, if any. The respondent and complainant will be given 14 calendar
380 days from the transmission of the report to provide their written comments. Any
381 written responses to the report by either party will be made part of the report
382 and record.

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384 The Vice President for Research shall transmit the inquiry report to the President
385 of the University and to the Chair of CERS.
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387 **V. G. Decision by the President**

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389 The President will make the final determination whether the findings of the
390 inquiry provide sufficient evidence of possible misconduct to justify the initiation
391 of an investigation, or whether additional information or clarification is necessary.
392 If the President does not concur with a committee finding of sufficient evidence
393 of possible misconduct, he or she may ask the Committee to re-review the
394 allegation(s). If the President determines that there is insufficient evidence of
395 possible misconduct, the case will be terminated. The basis for the President's
396 decision must be fully documented.
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398 The President's decision marks the end of the Inquiry and so must be completed
399 within 60 days as noted in section V.E.

400
401 The Vice President for Research shall notify, in writing, the respondent, the
402 complainant, all persons involved in the inquiry (i.e., anyone who has been
403 interviewed or otherwise informed of the allegations) and the chair of CERS
404 whether or not ~~of~~ the President's decision indicated that an investigation will be
405 initiated.
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407 **V. H. Reports NOT Made in Good Faith**

408 If relevant, the Vice President for Research, in consultation with the the chair of
409 CERS, will determine whether the complainant's report of suspected misconduct
410 was made in good faith. If a report was not made in good faith, the Vice
411 President for Research will ~~determine~~ recommend to the President whether any
412 pertinent action should be taken against the complainant.

413 **VI. Stage 3: Investigation**

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The purpose of the investigation is to explore the allegations in detail, to examine the evidence in depth, and to determine specifically whether the respondent has committed misconduct. The investigation may also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations.

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VI. A. Initiation of the Investigation

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If an investigation is deemed necessary, the President shall authorize the Vice President for Research to initiate the investigation. The Vice President for Research shall notify the Chair of CERS of the initiation of the investigation.

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When an investigation involves a sponsored program through the Research Foundation, the Vice President for Research will notify the Research Foundation of SUNY (Office of the General Counsel and Secretary). The University will also notify relevant federal or other external granting agencies and partnering institutions, in accordance with applicable regulatory requirements. The University will take interim administrative actions, as appropriate, to protect federal and other funds and ensure that the purposes of the federal financial assistance are being carried out.

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VI. B. Formation of the Investigation Committee

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In consultation with the CERS Chair, the Vice President for Research shall appoint the Investigation Committee and its chair within 10 calendar days of the initiation of the investigation. The Investigation Committee shall include at least one CERS member, normally including the CERS member(s) who served on the Inquiry Committee. It may also include other individuals who served on the Inquiry Committee or additional members as necessary for expertise. Neither the CERS chair nor the Vice President for Research shall ~~not~~ serve on the Investigation Committee. If the Investigation Committee is not appointed within 10 days, the respondent and the complainant shall be notified of the delay and the record of the investigation shall include a justification for the delay.

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VI. C. Notification of the Respondent and Complainant

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The Vice President for Research shall notify the respondent in writing whether or not of the investigation is initiated~~ion of the investigation~~. The notification should include:

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- a copy of the final inquiry report;
- the specific allegations;
- a list of members of the Investigation Committee.

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The respondent may submit a written objection to any appointed member of the Investigation Committee based on perceived bias or conflict of interest within 5

461 calendar days of notice. Upon receipt of such objection the Vice President for
462 Research will promptly determine in consultation with the CERS Chair whether to
463 replace any challenged member(s) with a qualified substitute.
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465 The Vice President for Research will ~~also~~ notify the complainant in writing
466 whether or not an ~~of the initiation of the~~ investigation is initiated and of the
467 obligation to cooperate with the process and to maintain confidentiality.
468

469 **VI. D. Investigation Process**

470 The Vice President for Research is responsible for conducting the investigation.
471 The investigation, including the final determination of the President must be
472 completed within 120 calendar days of its initiation unless circumstances clearly
473 warrant a longer period. If the investigation takes longer than 120 calendar days
474 to complete, the respondent and complainant shall be notified of the delay and
475 the record of the investigation shall include documentation of the reasons for
476 exceeding the 120-day period.
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478 The Vice President for Research shall provide the necessary support and staff to
479 the Investigation Committee for the conduct of the investigation and shall
480 monitor the progress.
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482 The Vice President for Research will determine if additional experts other than
483 those appointed to the Investigation Committee need to be consulted during the
484 investigation to provide special expertise to the committee regarding the analysis
485 of specific evidence. In such cases, the experts provide a strictly advisory
486 function to the committee; they do not vote and generally do not interview
487 witnesses. The experts may be chosen from inside or outside the University.
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489 The investigation process will include, but not necessarily be limited to,
490 examination of pertinent research data and written materials, interviews with all
491 individuals involved either in making the allegation or against whom the
492 allegation is made, and statements from or interviews with other individuals who
493 might have information regarding the allegation.
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495 Interviews with the respondent will be transcribed or recorded. Interviews with
496 anyone else will be transcribed or recorded if practical, or else summarized.
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498 **VI. E. Investigation Report and Recommendations of the Vice President** 499 **for Research** 500

501 The Investigation Committee will prepare a written report of the conclusions of
502 the investigation. This report will include a summary of the inquiry process, a
503 listing of the allegations, the composition of the Investigation Committee, the
504 evidence, and a summary of any dissenting views from members of the
505 Investigation Committee. The report should indicate whether or not misconduct
506 has been found for each allegation, and provide the specifics to support the
507 conclusions. For findings of misconduct, the report should identify the type of

508 misconduct, and the extent and seriousness of the misconduct, including its
509 effect on research findings, publications, and research subjects. The
510 Investigation Committee may offer recommendations on how to correct any
511 relevant public record and recommendations for sanctions.

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513 The Vice President for Research will provide the respondent with a copy of the
514 draft investigation report for comment and rebuttal and will provide the
515 complainant with those portions of the draft report that address the
516 complainant's ~~role and opinions in the investigation~~own testimony. The
517 respondent and complainant will be given 14 calendar days from the
518 transmission of the report to provide their written comments. Any written
519 responses to the report by either party will be made part of the report and
520 record.

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522 Upon receipt of the final investigation report, including written comments from
523 the respondent or complainant, the Vice President for Research shall prepare a
524 recommendation to the President and shall transmit both the report and the
525 recommendation to the President and to the Chair of CERS.

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527 The investigation concludes when the President makes the final determination as
528 detailed in section VII. A and the President's report is submitted to federal
529 officials, as applicable, and to the Chair of CERS. The process should be
530 completed within 120 days of the initiation of the investigation, as noted in VI.D.

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533 **VII. Stage 4: Institutional Actions**

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535 **VII. A. Decision by the President**

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537 The President reviews the report of the Investigation Committee and the
538 recommendations of the Vice President for Research. In this process, the
539 President may consult with the Investigation Committee, Provost and relevant
540 Dean or Vice President to clarify facts, seek further information, or to ask the
541 Committee to reconsider the allegations and evidence.

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543 The President will make the final institutional determination in writing of whether
544 misconduct has occurred. If the President does not concur with the final
545 conclusions of the Investigation Committee, the President shall consult with the
546 investigation committee and CERS before finalizing the determination. The
547 consultation requires providing CERS with adequate documentation of the case.

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549 The Vice President for Research shall notify the respondent in writing of the
550 President's decision. If no procedural appeal according to Section B is filed, the
551 Vice President for Research will notify all other affected individuals, parties and
552 organizations, as detailed in Section E, of the President's decision.

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554 **VII. B. Appeal**

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556 Within 14 calendar days of receipt of written notification of a finding of
557 misconduct, the respondent may appeal to the President on the sole question of
558 whether the procedures prescribed in this policy have been followed correctly.
559 The appeal must be in writing and must specify the nature of the procedural
560 error. The President shall issue a decision within 30 calendar days, affirming or
561 vacating the determination of research misconduct, with the option to reopen the
562 investigation.

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564 **VII. C. Finding of No Misconduct**

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566 If an allegation of misconduct is unsubstantiated, the Vice President for Research
567 will undertake appropriate diligent efforts to restore the reputation of the
568 individual against whom the allegations have been presented.

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570 **VII. D. Sanctions**

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572 If an allegation of misconduct is substantiated, The President shall consult with
573 the Investigation Committee and the Chair of CERS, and with the Vice President
574 for Research, the University Counsel, the Director of Human Resources, the
575 supervisor(s) of the respondent, and the Vice President for Student Affairs, as
576 appropriate, regarding disciplinary sanctions. In such cases the President shall
577 reveal to the Investigation Committee and to the Chair of CERS any additional
578 information relevant to the case or the respondent as might be required for
579 effective consultation.

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581 Disciplinary sanctions must be commensurate with the nature/severity of the
582 proven allegations. They may include, but are not limited to:

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- 584 • a reprimand,
 - 585 • alteration of the respondent's employment or academic status,
586 including probation, suspension, salary reduction, rank reduction, or
587 termination,
 - 588 • correction of the research record including a requirement to withdraw
589 or correct abstracts, manuscripts, reports, or grant/contract
590 proposals,
 - 591 • correction of academic credentials such as curriculum vitae, activity
592 reports, and websites,
 - 593 • public disclosure,
 - 594 • requirement for participation in training programs,
 - 595 • removal from a project,
 - 596 • requirement of a letter of apology,
 - 597 • requirement of monitoring the respondent's research or scholarly
598 activities.

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600 Disciplinary proceedings and sanctions must be consistent, as applicable, with
601 established University, Board of Trustees, and Research Foundation policies, the
602 student code of conduct, and the collective bargaining agreement.

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604 The President makes the final decision and informs the respondent regarding
605 disciplinary actions.

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607 **VII. E. Notifications**

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609 In consultation with CERS and with the recommendation of the Vice President for
610 Research, the President shall make the final determination as to which concerned
611 parties should be notified of the President's final determination~~decision~~. In
612 addition to the respondent ~~and complainant~~, typically this would include the
613 Investigation Committee members, Inquiry Committee members, the Research
614 Foundation of SUNY (the Office of the General Counsel and Secretary) and all
615 persons known to have knowledge of the investigation (i.e., any one who has
616 been interviewed or otherwise informed of the allegations). Furthermore, in case
617 there is a finding of misconduct, appropriate members of the research and
618 scholarly community should be informed, so as to correct the public record. The
619 University will also notify relevant federal or other external granting agencies and
620 partnering institutions, where applicable and in accordance with regulatory
621 requirements.

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624 **VIII. Annual Report to CERS**

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626 The Vice President for Research shall provide an annual report to CERS with
627 information~~statistics~~ on misconduct proceedings. The report will contain no
628 specific information on individuals ~~or individual cases~~, but will contain sufficient
629 information to inform ~~an annual~~ substantive conversation in CERS about the
630 policy and procedural issues that may have arisen in the course of the review
631 process. The report shall also contain a summary of training of CERS members
632 and of University researchers.

633

634

635 Adopted by University Senate and approved by President Kermit Hall, 02-09-05 (Senate
636 Bill No. 0405-02)

637 Amended and approved by President Kermit Hall, 05-12-05 (Senate Bill No. 0405-25)

638 Amended and approved by President Kermit Hall, 06-21-06 (Senate Bill No. 0506-27)

639

640 Amended.....

641 **APPENDIX: DEFINITIONS**

642

643 **A. Allegation** means a formal statement of charges of possible misconduct,
644 normally prepared by the Vice President for Research upon the initiation of an
645 Inquiry.

646

647 **B. Complainant** means a person who reports observed, suspected, or apparent
648 misconduct. A complainant may not remain anonymous to the Vice President for
649 Research or any other University official designated to administer this policy.

650

651 **C. Committee on Ethics in Research and Scholarship (CERS)** is the
652 University committee charged to author, review, and implement policies
653 governing allegations of misconduct. The composition of CERS and its
654 responsibilities are detailed in the Charter of the University Senate.

655

656 **D. Conflict of Interest** means the interference of one person's
657 interests with the interests of another person, so as to create the potential for
658 bias.

659

660 **E. Fabrication** means making up results and recording or reporting them.

661

662 **F. Falsification** means manipulating research materials, equipment, processes, or
663 changing or omitting data or results so that the research is not accurately
664 represented in the research record.

665

666 **G. Good Faith Report** means a **report** of suspected misconduct made with the
667 honest belief that the misconduct may have occurred. A report is not in good
668 faith if it is made with reckless disregard for or willful ignorance of facts that
669 would disprove the charges.

670

671 **H. Inquiry** means information gathering and initial fact-finding to determine
672 whether an allegation or apparent instance of misconduct warrants an
673 investigation.

674

675 **I. Inquiry Committee** means the committee that is charged with conducting an
676 inquiry into an allegation of misconduct.

677

678 **J. Institutional Counsel** means legal counsel who represents the University
679 during the misconduct inquiry and who is responsible for advising the Vice
680 President for Research, the Inquiry and Investigation committees, and the
681 President. The institutional counsel does not represent the respondent, the
682 complainant, or any other person participating during the inquiry, investigation,
683 or any follow up action, except University officials responsible for managing or
684 conducting the University misconduct process as part of their official duties.

685

686 **K. Institutional Official** means the individual charged with the responsibility of
687 responding to allegations of misconduct and with conducting all misconduct

688 inquiries and investigations. The institutional official in cases of misconduct is
689 the Vice President for Research.

690
691 **L. Investigation** means the formal examination and evaluation of all relevant
692 facts to determine if misconduct has occurred.

693
694 **M. Investigation Committee** means the committee that is charged with
695 conducting an investigation into an allegation of misconduct.

696
697 **N. Misconduct in research and scholarship** means:
698 (1) misrepresentation of academic credentials in research and ~~of~~ scholarship or
699 in securing awards, grants, or recognition;
700
701 (2) fabrication, falsification, or plagiarism in proposing, conducting, or reviewing
702 research or in research results; or
703 (3) other practices involving violations of academic integrity that significantly
704 deviate from practices commonly accepted within the academic community in
705 research and scholarship and in artistic performance and expression.

706
707 Misconduct would not NOT ordinarily include such things as:
708 (1) Honest error or disagreements;
709 (2) Disputes among collaborators about relative credit;
710 (3) Informal activities that do not meet the formal definition of scholarship, such
711 as classroom presentations.

712
713 A finding of misconduct requires that:
714 (a) there be a significant departure from accepted practices of the relevant
715 research or scholarly community;
716 (b) the misconduct be committed intentionally, knowingly, or recklessly; and
717 (c) the allegation be proven by a preponderance of the evidence.

718
719
720 **O. ORI**
721 Office for Research Integrity of the U.S. Department of Health and Human
722 Services. Misconduct in some federally funded research is subject to the
723 regulations of this office. The policy of the University at Albany is in compliance
724 with those requirements. More information is available at
725 http://ori.dhhs.gov/misconduct/definition_misconduct.shtml

726
727 **O. Plagiarism** means the appropriation of another person's ideas, processes,
728 results or words without giving appropriate credit.

729
730 **P. Research Record** means any data, document, computer file, computer
731 diskette, or any other written or non-written account or object that reasonably
732 may be expected to provide evidence or information regarding the proposed,
733 conducted or reported misconduct that constitutes the subject of an allegation of
734 misconduct. A research record includes, but is not limited to, grant or contract
735 applications, whether sponsored or not; grant or contract progress reports;

736 laboratory notebooks; notes; correspondence; electronic communication; videos;
737 photographs; X-ray film; slides; biological materials; computer files and
738 printouts; manuscripts and publications; equipment use logs; portfolios and
739 laboratory procurement records. It shall also include Institutional Review Board
740 or Institutional Animal Care and Use Committee records or documentation if
741 these relate to or form the basis of an allegation of research misconduct based
742 on fabrication, falsification or plagiarism, or other practices that seriously deviate
743 from those commonly accepted with the academic community.
744

745 **Q. Respondent** means the person who is alleged to have committed possible
746 misconduct.
747

748
749 R. Research and Scholarship

750
751 For the purposes of this policy, scholarship is broadly defined as including
752 activities which fall under the ORI definition of research, as well as original
753 scholarly contributions or artistic works which constitute advances or
754 contributions to the individual's discipline or to practice in the field.

755
756 The ORI definition of research is:

757 Research means a systematic investigation, including research development,
758 testing and evaluation, designed to develop or contribute to generalizable
759 knowledge. Activities meeting this definition constitute research for purposes of
760 this policy, whether or not they are conducted or supported under a program
761 which is considered research for other purposes. For example, some
762 demonstration and service programs may include research activities.
763
764