

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*," as University Senate 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**
40

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.
44

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).
48

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.
55

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.
60

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.
65
66
67

68 **III. General Guidelines for Assessment, Inquiry and Investigation of**
69 **Allegations of Misconduct**
70

71 In accord with its principles and in compliance with federal regulations, the
72 University will adhere to the following guidelines.
73

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.
79

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.
85

86 The complainant will be informed whether or not an inquiry and investigation is
87 initiated. The complainant will have the opportunity to review the complainant's
88 report or testimony. The complainant will be informed in writing of the final
89 determination. After the final determination the complainant may, at the
90 discretion of the President, be given access to the full record of the review
91 process or final determination. Responsibilities: The complainant is responsible
92 for making allegations in good faith, maintaining confidentiality of the
93 proceedings and any information and documents created as a part thereof, and
94 cooperating fully with an inquiry and/or investigation. A complainant who does
95 not maintain confidentiality waives his or her right to notification and reports.
96 The responsibility of the complainant is to serve as a witness, not to serve as an
97 advocate for any particular review process or final determination.
98
99

100 **III. B. Rights and Responsibilities of the Respondent**

101
102 Rights: The respondent of an allegation of misconduct will be afforded fairness
103 and respect, a prompt inquiry into the allegations, and a thorough investigation if
104 one is deemed necessary. The University will assure the rights of the accused
105 person(s) to respond to the allegations both during the course of and at the
106 conclusion of any inquiry and investigation.
107

108 The respondent will be informed of the allegations in writing when an inquiry is
109 opened and notified in writing of the final determinations and resulting actions.
110 The respondent may be requested to provide testimony by the inquiry and
111 investigation committees, and will have the opportunity to review the draft
112 inquiry and investigation reports, and to have the advice of counsel.
113

114 When insufficient evidence of possible misconduct is found, the Vice President
115 for Research will, as appropriate, undertake diligent efforts to restore the
116 reputation of the respondent.
117

118 Responsibilities: Except as far as necessary to prepare an effective response,
119 the respondent is responsible for maintaining confidentiality of the proceedings
120 and any information and documents created as a part thereof and cooperating
121 fully with the conduct of an inquiry and/or investigation.
122

123 **III. C. Conflict of Interest**

124
125 The University will take precautions against real or apparent conflicts of interest
126 on the part of those involved in any inquiry and investigation resulting from an
127 allegation of misconduct. Any party with a real or apparent conflict of interest
128 shall recuse themselves from all aspects of the misconduct investigation. In
129 cases where the Vice President for Research has a real or apparent conflict of
130 interest, reports of suspected misconduct will be referred by him/her to an
131 administrator designated by the Provost. In cases where the Chair of CERS has
132 a real or apparent conflict of interest, the Chair of the Senate shall designate

133 another member of CERS. The designees will then act in the place of the Vice
134 President for Research and/or the Chair of CERS, as applicable, under this policy.

135

136 **III. D. Confidentiality**

137

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

158

159 **III. E. Membership of Committees**

160

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

166

167 **III. F. Procedural Issues**

168

169 The chairs of the Inquiry and Investigation Committees may consult with the
170 Vice President for Research regarding the inquiry or investigation, as appropriate.
171 Any member of these committees concerned about procedures or process should
172 first consult with the chair of the appropriate committee and, if the issue is not
173 resolved, with the Vice President for Research as the institutional official
174 responsible for the case. In this instance, the Vice President for Research will
175 adjudicate the issue in consultation with the chair of the relevant committee, the
176 committee member, and the CERS chair.

177

178 **III. G. Regulatory Requirements**

179

180 In case the alleged misconduct involves research supported by federal agencies,
181 the University will comply with applicable current federal procedural guidelines
182 and regulations.

183
184 The University will comply with all New York State and federal regulations
185 regarding maintenance and access to records and documentation resulting from
186 inquiries and investigations into alleged misconduct. The University will take
187 appropriate interim administrative actions to protect federal and other funds and
188 ensure that the purposes of the federal financial assistance are being carried out.
189 At any time during an inquiry or investigation, where applicable, the University
190 shall immediately notify the appropriate federal sponsoring agency

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

202 203 **III. H. Evidentiary Standards**

204
205 The burden of proof for making a finding of misconduct is on the University.

206
207 The standard of proof for a finding of misconduct will be by a preponderance of
208 evidence. This means that the evidence shows that it is more likely than not that
209 the respondent committed misconduct.

210 211 **III. I. Maintenance of Documents**

212
213 The Vice President for Research or his/her designee shall locate, collect,
214 inventory, and secure relevant research records to prevent the loss, alteration, or
215 fraudulent creation of records. During this process the Vice President for
216 Research or his/her designee shall follow the guidelines detailed in the *National*
217 *Institutes of Health's Office of Research Integrity (ORI) Model Procedures*. The
218 University will maintain for at least seven years complete documentation of the
219 investigation process, proceedings, inquiry and investigation reports, findings,
220 recommendations, and final determination. Documents shall be kept in the
221 offices of the Vice President for Research for safekeeping.

222
223 Upon request to the Vice President for Research, the respondent shall be given
224 access to the complete documentation for review.

225 226 **IV. Stage 1: Reporting of Suspected Misconduct and Initial** 227 **Assessment**

228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275

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

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

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

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

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

If during the assessment of suspected misconduct it is determined that the suspected misconduct pertains to another area of non-compliance the Vice President for Research may refer the individual or evidence to other institutional officials or authorities, as appropriate.

276

277

278 **V. Stage 2: Inquiry**

279

280

281

282

283

284

285

286

287

288

289

290

V. A. Initiation of the Inquiry

291

292

293

294

295

296

V. B. Formation of the Inquiry Committee

297

298

299

300

301

302

303

304

305

V. C. Notification of the Respondent and Complainant

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

The purpose of the inquiry is 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.

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.

If it is determined that an Inquiry is appropriate, 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 the CERS chair nor the Vice President for Research shall serve on the committee.

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

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

The respondent may submit a written objection to any appointed member of the Inquiry Committee based on perceived bias or conflict of interest within 5 calendar days of notice. Upon receipt of such objection the Vice President for

323 Research will promptly determine in consultation with the CERS Chair whether to
324 replace any challenged member with a qualified substitute.

325
326 The Vice President for Research shall notify the complainant in writing of the
327 initiation of the inquiry, and of the obligation to cooperate in the inquiry.
328

329 **V. D. Response to Allegation**

330
331 If the respondent admits to any material aspect of the allegation(s) of
332 misconduct, he or she should be asked to sign a statement attesting to the
333 occurrence and the extent of the misconduct. An admission of misconduct will
334 automatically terminate the inquiry process and result in the Vice President for
335 Research recommending an investigation to the President.
336

337 **V. E. Procedures**

338
339 The inquiry must be completed within 60 calendar days of its initiation unless
340 circumstances clearly warrant a longer period. If the inquiry takes longer than
341 60 calendar days to complete, the respondent and complainant shall be notified
342 of the delay and the record of the inquiry shall include documentation of the
343 reasons for exceeding the 60-day period.
344

345 The Vice President for Research shall ensure that individual interviews are
346 scheduled with the respondent and complainant, if necessary. The interviews
347 shall be conducted by the Inquiry Committee and staffed by the Office of the
348 Vice President for Research. The Committee will permit the respondent,
349 complainant, or witnesses to bring an advisor to the interview. The advisor may
350 act solely as an observer and shall not participate in the proceedings. The
351 University shall always have the option of having its attorney present.
352

353 Interviews with the respondent will be transcribed or recorded. Interviews with
354 anyone else will be summarized, recorded, or transcribed.
355

356 **V. F. Inquiry Report**

357 The Inquiry Committee shall submit a written report to the Vice President for
358 Research. This report must indicate what evidence was reviewed, summarize
359 statements and interviews from relevant individuals, and present the conclusions
360 of the committee as to whether sufficient evidence exists to warrant an
361 investigation. The Vice President for Research will provide the respondent with a
362 copy of the draft inquiry report for comment and rebuttal and will provide the
363 complainant with those portions of the draft report that address the
364 complainant's own testimony, if any. The respondent and complainant will be
365 given 14 calendar days from the transmission of the report to provide their
366 written comments. Any written responses to the report by either party will be
367 made part of the report and record.
368

369 The Vice President for Research shall transmit the inquiry report to the President
370 of the University and to the Chair of CERS.

371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392

V. G. Decision by the President

The President will make the final determination whether the findings of the inquiry provide sufficient evidence of possible misconduct to justify the initiation of an investigation, or whether additional information or clarification is necessary. If the President does not concur with a committee finding of sufficient evidence of possible misconduct, he or she may ask the Committee to re-review the allegation(s). If the President determines that there is insufficient evidence of possible misconduct, the case will be terminated. The basis for the President's decision must be fully documented.

The President's decision marks the end of the Inquiry and so must be completed within 60 days as noted in section V.E.

The Vice President for Research shall notify, in writing, the respondent, the complainant, all persons involved in the inquiry (i.e., anyone who has been interviewed or otherwise informed of the allegations) and the chair of CERS whether or not the President's decision indicated that an investigation will be initiated.

V. H. Reports NOT Made in Good Faith

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

VI. Stage 3: Investigation

393
394
395
396
397
398
399
400
401
402
403
404
405

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.

VI. A. Initiation of the Investigation

406
407
408
409
410
411
412
413
414
415
416
417

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.

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

418 federal and other funds and ensure that the purposes of the federal financial
419 assistance are being carried out.

420

421 **VI. B. Formation of the Investigation Committee**

422

423 In consultation with the CERS Chair, the Vice President for Research shall
424 appoint the Investigation Committee and its chair within 10 calendar days of the
425 initiation of the investigation. The Investigation Committee shall include at least
426 one CERS member, normally including the CERS member(s) who served on the
427 Inquiry Committee. It may also include other individuals who served on the
428 Inquiry Committee or additional members as necessary for expertise. Neither
429 the CERS chair nor the Vice President for Research shall serve on the
430 Investigation Committee. If the Investigation Committee is not appointed within
431 10 days, the respondent and the complainant shall be notified of the delay and
432 the record of the investigation shall include a justification for the delay.

433

434 **VI. C. Notification of the Respondent and Complainant**

435

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

438

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

442

443 The respondent may submit a written objection to any appointed member of the
444 Investigation Committee based on perceived bias or conflict of interest within 5
445 calendar days of notice. Upon receipt of such objection the Vice President for
446 Research will promptly determine in consultation with the CERS Chair whether to
447 replace any challenged member(s) with a qualified substitute.

448

449 The Vice President for Research will notify the complainant in writing whether or
450 not an investigation is initiated and of the obligation to cooperate with the
451 process and to maintain confidentiality.

452

453 **VI. D. Investigation Process**

454 The Vice President for Research is responsible for conducting the investigation.
455 The investigation, including the final determination of the President must be
456 completed within 120 calendar days of its initiation unless circumstances clearly
457 warrant a longer period. If the investigation takes longer than 120 calendar days
458 to complete, the respondent and complainant shall be notified of the delay and
459 the record of the investigation shall include documentation of the reasons for
460 exceeding the 120-day period.

461

462 The Vice President for Research shall provide the necessary support and staff to
463 the Investigation Committee for the conduct of the investigation and shall
464 monitor the progress.

465

466 The Vice President for Research will determine if additional experts other than
467 those appointed to the Investigation Committee need to be consulted during the
468 investigation to provide special expertise to the committee regarding the analysis
469 of specific evidence. In such cases, the experts provide a strictly advisory
470 function to the committee; they do not vote and generally do not interview
471 witnesses. The experts may be chosen from inside or outside the University.
472

473 The investigation process will include, but not necessarily be limited to,
474 examination of pertinent research data and written materials, interviews with all
475 individuals involved either in making the allegation or against whom the
476 allegation is made, and statements from or interviews with other individuals who
477 might have information regarding the allegation.
478

479 Interviews with the respondent will be transcribed or recorded. Interviews with
480 anyone else will be transcribed or recorded if practical, or else summarized.
481

482

483 **VI. E. Investigation Report and Recommendations of the Vice President** 484 **for Research**

485 The Investigation Committee will prepare a written report of the conclusions of
486 the investigation. This report will include a summary of the inquiry process, a
487 listing of the allegations, the composition of the Investigation Committee, the
488 evidence, and a summary of any dissenting views from members of the
489 Investigation Committee. The report should indicate whether or not misconduct
490 has been found for each allegation, and provide the specifics to support the
491 conclusions. For findings of misconduct, the report should identify the type of
492 misconduct, and the extent and seriousness of the misconduct, including its
493 effect on research findings, publications, and research subjects. The
494 Investigation Committee may offer recommendations on how to correct any
495 relevant public record and recommendations for sanctions.
496

497 The Vice President for Research will provide the respondent with a copy of the
498 draft investigation report for comment and rebuttal and will provide the
499 complainant with those portions of the draft report that address the
500 complainant's own testimony. The respondent and complainant will be given 14
501 calendar days from the transmission of the report to provide their written
502 comments. Any written responses to the report by either party will be made part
503 of the report and record.
504

505 Upon receipt of the final investigation report, including written comments from
506 the respondent or complainant, the Vice President for Research shall prepare a
507 recommendation to the President and shall transmit both the report and the
508 recommendation to the President and to the Chair of CERS.
509

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

514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560

VII. Stage 4: Institutional Actions

VII. A. Decision by the President

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

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

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

VII. B. Appeal

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

VII. C. Finding of No Misconduct

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

VII. D. Sanctions

If an allegation of misconduct is substantiated, The President shall consult with the Investigation Committee and the Chair of CERS, and with the Vice President for Research, the University Counsel, the Director of Human Resources, the supervisor(s) of the respondent, and the Vice President for Student Affairs, as appropriate, regarding disciplinary sanctions. In such cases the President shall reveal to the Investigation Committee and to the Chair of CERS any additional

561 information relevant to the case or the respondent as might be required for
562 effective consultation.

563
564 Disciplinary sanctions must be commensurate with the nature/severity of the
565 proven allegations. They may include, but are not limited to:

- 566
- 567 • a reprimand,
 - 568 • alteration of the respondent's employment or academic status,
569 including probation, suspension, salary reduction, rank reduction, or
570 termination,
 - 571 • correction of the research record including a requirement to withdraw
572 or correct abstracts, manuscripts, reports, or grant/contract
573 proposals,
 - 574 • correction of academic credentials such as curriculum vitae, activity
575 reports, and websites,
 - 576 • public disclosure,
 - 577 • requirement for participation in training programs,
 - 578 • removal from a project,
 - 579 • requirement of a letter of apology,
 - 580 • requirement of monitoring the respondent's research or scholarly
581 activities.

582
583 Disciplinary proceedings and sanctions must be consistent, as applicable, with
584 established University, Board of Trustees, and Research Foundation policies, the
585 student code of conduct, and the collective bargaining agreement.

586
587 The President makes the final decision and informs the respondent regarding
588 disciplinary actions.

589
590 **VII. E. Notifications**

591
592 In consultation with CERS and with the recommendation of the Vice President for
593 Research, the President shall make the final determination as to which concerned
594 parties should be notified of the President's final determination. In addition to
595 the respondent and complainant, typically this would include the Investigation
596 Committee members, Inquiry Committee members, the Research Foundation of
597 SUNY (the Office of the General Counsel and Secretary) and all persons known
598 to have knowledge of the investigation (i.e., any one who has been interviewed
599 or otherwise informed of the allegations). Furthermore, in case there is a finding
600 of misconduct, appropriate members of the research and scholarly community
601 should be informed, so as to correct the public record. The University will also
602 notify relevant federal or other external granting agencies and partnering
603 institutions, where applicable and in accordance with regulatory requirements.

604
605
606 **VIII. Annual Report to CERS**

607

May 4, 2009

608 The Vice President for Research shall provide an annual report to CERS with
609 information on misconduct proceedings. The report will contain no specific
610 information on individuals, but will contain sufficient information to inform a
611 substantive conversation in CERS about the policy and procedural issues that
612 may have arisen in the course of the review process. The report shall also
613 contain a summary of training of CERS members and of University researchers.
614

615

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

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

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

620

621 Amended.....

622 **APPENDIX: DEFINITIONS**

623

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

627

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

631

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

636

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

640

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

642

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

646

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

651

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

655

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

658

659 **J. Institutional Counsel** means legal counsel who represents the University
660 during the misconduct inquiry and who is responsible for advising the Vice
661 President for Research, the Inquiry and Investigation committees, and the
662 President. The institutional counsel does not represent the respondent, the
663 complainant, or any other person participating during the inquiry, investigation,
664 or any follow up action, except University officials responsible for managing or
665 conducting the University misconduct process as part of their official duties.

666

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

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

671
672 **L. Investigation** means the formal examination and evaluation of all relevant
673 facts to determine if misconduct has occurred.

674
675 **M. Investigation Committee** means the committee that is charged with
676 conducting an investigation into an allegation of misconduct.

677
678 **N. Misconduct** in research and scholarship means:
679 (1) misrepresentation of academic credentials in research and scholarship or in
680 securing awards, grants, or recognition;
681
682 (2) fabrication, falsification, or plagiarism in proposing, conducting, or reviewing
683 research or in research results; or
684 (3) other practices involving violations of academic integrity that significantly
685 deviate from practices commonly accepted within the academic community in
686 research and scholarship and in artistic performance and expression.

687
688 Misconduct would not NOT ordinarily include such things as:
689 (1) Honest error or disagreements;
690 (2) Disputes among collaborators about relative credit;
691 (3) Informal activities that do not meet the formal definition of scholarship, such
692 as classroom presentations.

693
694 A finding of misconduct requires that:
695 (a) there be a significant departure from accepted practices of the relevant
696 research or scholarly community;
697 (b) the misconduct be committed intentionally, knowingly, or recklessly; and
698 (c) the allegation be proven by a preponderance of the evidence.

699
700
701 **O. ORI**
702 Office for Research Integrity of the U.S. Department of Health and Human
703 Services. Misconduct in some federally funded research is subject to the
704 regulations of this office. More information is available at
705 http://ori.dhhs.gov/misconduct/definition_misconduct.shtml

706
707 **O. Plagiarism** means the appropriation of another person's ideas, processes,
708 results or words without giving appropriate credit.

709
710 **P. Research Record** means any data, document, computer file, computer
711 diskette, or any other written or non-written account or object that reasonably
712 may be expected to provide evidence or information regarding the proposed,
713 conducted or reported misconduct that constitutes the subject of an allegation of
714 misconduct. A research record includes, but is not limited to, grant or contract
715 applications, whether sponsored or not; grant or contract progress reports;
716 laboratory notebooks; notes; correspondence; electronic communication; videos;

717 photographs; X-ray film; slides; biological materials; computer files and
718 printouts; manuscripts and publications; equipment use logs; portfolios and
719 laboratory procurement records. It shall also include Institutional Review Board
720 or Institutional Animal Care and Use Committee records or documentation if
721 these relate to or form the basis of an allegation of research misconduct based
722 on fabrication, falsification or plagiarism, or other practices that seriously deviate
723 from those commonly accepted with the academic community.
724

725 **Q. Respondent** means the person who is alleged to have committed possible
726 misconduct.
727

728
729 R. Research and Scholarship
730

731 For the purposes of this policy, scholarship is broadly defined as including
732 activities which fall under the ORI definition of research, as well as original
733 scholarly contributions or artistic works which constitute advances or
734 contributions to the individual's discipline or to practice in the field.
735

736 The ORI definition of research is:
737 Research means a systematic investigation, including research development,
738 testing and evaluation, designed to develop or contribute to generalizable
739 knowledge. Activities meeting this definition constitute research for purposes of
740 this policy, whether or not they are conducted or supported under a program
741 which is considered research for other purposes. For example, some
742 demonstration and service programs may include research activities.
743
744