

UNIVERSITY SENATE
UNIVERSITY AT ALBANY
STATE UNIVERSITY OF NEW YORK

Introduced by: Special Committee for Evaluation of Campus Policies and
Procedures in Handling Misconduct Cases

Co-Sponsored by: Council on Educational Policy (EPC)
Council on Research (RES)
Council on Academic Freedom and Ethics (CAFE)

Date: March 10, 2003

**RECOMMENDATIONS AND POLICY FRAMEWORK ON RESPONDING TO
MISCONDUCT IN RESEARCH AND SCHOLARSHIP**

IT IS HEREBY PROPOSED THAT THE FOLLOWING BE ADOPTED:

1. The University Senate approves the creation of a new University Senate Committee, Committee on Ethics in Research and Scholarship (CERS). The charge and composition of this committee are as outlined in the Preamble of the recommendations from the Special Ad hoc Committee for Evaluation of Campus Policies and Procedures in Handling Misconduct Cases.
2. The University Senate approves and adopts the recommendations of the Special Committee on the policy framework, its philosophies, its procedures, and its recommendations for remaining work in finalizing a full policy. The procedures in the new policy framework should be implemented at the time the bill is approved.
3. The bill will be referred to the President for approval.

Rationale

The bill addresses recommendations and a policy framework developed by the Special ad hoc Committee. The report of this committee is appended. The core items in the bill are found in that appended document. A preamble in the report provides some rationale. Additional rationale is provided here.

Historical Background

The Special Committee that crafted this proposal was appointed by the Senate Chair and approved by the Senate Executive Committee in Spring 2002. Faculty representation from came from EPC, RES, CAFE, CPCA. The Vice President for Research and the (current) Interim Vice President for Research were also members. Consultation was provided both from the University Counsel's office and the University Compliance officer.

The Committee was asked (by the Senate Executive Committee) to address three points regarding campus policy for responding to allegations of plagiarism and misconduct in research and scholarship:

Faculty concerns arose regarding existing University procedures as employed in a recent case. In a faculty forum in Spring 2002, the President concurred that our existing procedures require examination.

Our existing policy should be evaluated in light of ongoing revisions of federal guidelines regarding handling of research misconduct cases .

Our current campus policy may be incomplete.

Institutional Administration of the Current and Proposed Policy

The current University policy governing handling of misconduct cases is found in the Faculty Handbook under "Policies related to faculty obligation."

The current policy is not part of the faculty bylaws.

It is not specifically part of the charge of any Senate Committee or Council, although the Council on Research and CAFE may have charges that are loosely related to the topic of misconduct in research.

The University President can authorize/change the policy as she/he sees fit.

The current version of the campus policy was approved by the University Senate (1989) and adopted by the President. A 1995 amendment by the Council on Research was also adopted by the President.

What Problems Exist in Our Current Procedures?

The VPR can receive allegation and decide, alone, whether to proceed. No faculty or governance involvement is required by the current policy.

There is no requirement for formal faculty or governance involvement in either Inquiry or Investigation committees.

Final determination by the President: No formal mechanism exists for consultation with faculty or governance.

Penalty/sanctions decision by the President: No mechanism is currently present for the President to formally consult with faculty or governance.

Disclosure of information in cases where misconduct is found (e.g., informing relevant public constituencies) is not well addressed.

Core Aspects of the Proposal Address the Issues Outlined Above

The committee recommends a new policy framework to guide a full revision of the current policy. In the interim, the proposed framework supplements the current policy and solves several of the problems outlined above.

The proposed framework ensures clear faculty involvement at each stage of the process.

A new Senate committee (CERS) is proposed to provide a governance body that will review and recommend policy and procedures for the University's response to allegations of misconduct. This committee will also supply members to participate in the handling of all University cases where misconduct is alleged.

The Senate can create such a committee at its discretion.

The President and VPR can begin using such a committee in any investigations of misconduct without change in the current policy.

Why Is There an Urgent Need for This Framework?

If adopted, the proposal would establish a way for immediate faculty involvement in all misconduct cases.

Training in the handling of such cases is an important and unique aspect of the proposal and could begin immediately.

With the adoption of this bill, consultation with faculty/governance on disciplinary actions could begin immediately with all cases arising after the framework adoption.

A process for addressing disclosure of misconduct and sanctions is recommended for cases where misconduct has been determined.

(3-10-03)

RECOMMENDATIONS AND POLICY FRAMEWORK ON RESPONDING TO MISCONDUCT IN RESEARCH AND SCHOLARSHIP

Preamble

The work of the committee charged with reviewing the “academic misconduct policy” has been guided by several broad themes.

First, the policy needs to cover allegations of fabrication, falsification, plagiarism, or other practices that seriously deviate from those commonly accepted within the academic community in research and scholarship and in artistic performance and expression. It is intended as a policy to address these violations of academic integrity as related to misconduct in research and scholarship. The committee recognizes that the ongoing revisions of the federal guidelines will have an impact on nuances of policies on “misconduct in research,” but that the general proposed structure of the campus approach to issues of academic integrity would be able to encompass such federally mandated directives.

A second theme that guided the committee’s work is the clear need for a strong faculty role in the institutional response to allegations of violations of academic integrity principles.

A third theme is the recognition that the Vice President for Research is the institutional official charged with the responsibility of handling cases of alleged violations of academic integrity principles and with conducting inquiries and investigations.

In addressing these themes, the committee has not created a full revision of the existing campus policy. Rather, a **policy framework** is proposed. This policy framework lays out guiding principles and a process that can (a) be immediately used as a supplement to the existing policy, and (b) serve as the core of a fully revised policy. This policy framework adds to the existing policy; it does not replace it. Recommendations are also made regarding several outstanding issues as well as a method for completion of a full revision of the existing misconduct policy.

A proposal is hereby made for a new faculty committee, the **Committee on Ethics in Research and Scholarship (CERS)**.

CERS Charge

- Review implementation of the policy and procedures on institutional responses to allegations of misconduct in research and scholarship and recommend revisions to the policy and procedures as needed.
- Receive and review yearly reports from the Vice President for Research (VPR) on the occurrence of cases pertaining to violations of academic integrity principles in research and scholarship and their disposition.
- Supply at least one member to serve on the Inquiry and Investigation Committees charged with evaluating allegations of violations of academic integrity in research and scholarship.

- CERS reports to the Senate via the Senate Executive Committee and will also supply reports on its activities to CAFE.

CERS Composition

- CERS will consist of five or more faculty at the level of Full Professor. Each member will commit to serving a term of three years and will receive special training related to conducting academic integrity inquiries and investigations. Initial appointments shall be for varying lengths.
- The members of CERS will be nominated for senate approval by the Council Chairs of the current Senate Executive Committee in the Spring for a term to begin the following academic year.
- The CERS chair will be selected by CERS from the continuing members. This selection will occur in the Spring for a one-year term to begin the following academic year.

General Procedural and Implementation Philosophies

- VPR monitors entire process, and routinely informs the President of the general level of activity. Other officers of the University may also be informed, as may be indicated.
- CERS may hold regular meetings to discuss general issues regarding academic integrity in research and scholarship and to draw, as necessary, on the experience of members. CERS may make recommendations to the VPR about policy and procedures for handling of misconduct cases and to the Senate regarding misconduct policy and procedures.
- In the case of potential conflicts of interest, extended absences, or other similar reasons, both the CERS Chair and VPR may designate an alternate to serve their role in this process.

[end of preamble]

Policy Framework

Assessment of Allegation

Vice President for Research (VPR) receives allegation of misconduct.

VPR promptly and fully informs CERS Chair of the allegation and consults with him or her to determine if the allegation meets criteria of academic misconduct or pertains instead to another compliance area (human subjects, animal use, law breaking, etc.). In the latter case, VPR refers allegation, as appropriate, to other institutional officials or authorities.

If either VPR or CERS Chair concludes that a reasonable basis for an inquiry exists, then an Inquiry will be conducted.

Inquiry

VPR notifies respondent and complainant of initiation of inquiry. VPR ensures that pertinent records (or citations to them) are obtained and placed in an inquiry file.

In consultation with CERS Chair, the VPR appoints the Inquiry Committee, including at least one CERS member, and appoints the chair of the Inquiry Committee.

VPR ensures that individual meetings are being scheduled with respondent and complainant so that the inquiry process has direct input from both parties. These meetings are conducted by the Inquiry Committee and staffed by the VPR's office.

The Inquiry Committee examines the evidence and recommends to the VPR whether an investigation is warranted.

The Inquiry Committee Chair may consult with the VPR regarding the inquiry.

Any member of the Inquiry Committee concerned about procedures or the process of the inquiry should first consult with the Inquiry Committee Chair and, if the issue cannot be resolved, with the VPR as the institutional official responsible for the case. In this instance, the VPR will adjudicate the issue in consultation with the Inquiry Committee Chair, the committee member, and the CERS chair.

Admission to any material aspect of the allegation(s) by the respondent at any point in time triggers an investigation.

The inquiry committee prepares a report. The VPR transmits this inquiry report and his or her recommendations to the President for determination whether to terminate case or to initiate an investigation.

VPR notifies CERS Chair of these recommendations.

As applicable, VPR's office notifies sponsors, including federal agencies, and Research Foundation if an investigation is to be conducted.

Investigation

President authorizes VPR to initiate investigation

VPR notifies respondent and complainant of initiation of investigation and gives the full inquiry report to respondent for comment.

In consultation with CERS Chair, the VPR appoints the Investigation Committee, including at least one CERS member, and appoints the chair of the Investigation Committee. The Investigation Committee will normally include the CERS member(s) who served on the Inquiry Committee.

VPR provides necessary support and staff to Investigation Committee for conduct of investigation and follows up on progress each week

The Investigation Committee Chair may consult with the VPR regarding the investigation.

Any member of the Investigation Committee concerned about procedures or the process of the investigation should first consult with the Investigation Committee Chair and, if the issue cannot be resolved, with the VPR as the institutional official responsible for the case. In this instance, the VPR will adjudicate the issue in consultation with the Investigation Committee Chair, the committee member, and the CERS chair.

Upon concluding the investigation, the Investigation Committee prepares report concluding whether the evidence supports the allegations. The Investigation Committee may offer recommendations on how to correct any relevant public record.

VPR receives investigation report, prepares recommendations to the President, and transmits both the report and the recommendations to the President.

VPR notifies CERS Chair of these recommendations.

Determination of Misconduct

President reviews the report and recommendations of the Investigation Committee and determines appropriate institutional actions, including institutional disciplinary actions or sanctions.

In this process, President may consult with Investigation Committee to clarify facts or seek further information.

When there is a finding of misconduct, the President consults with CERS regarding disciplinary actions or sanctions. In such cases, the President may reveal, to CERS, any information pertaining to the case or the respondent as might be required for effective consultation.

President issues the institutional determination in writing and, if there is a finding of misconduct, actions to be taken. With recommendation of VPR, President also makes final determination as to which concerned parties should be notified. Typically, this would include respondent, complainant and Investigation Committee members.

President, via VPR, notifies CERS Chair of finding and actions to be taken.

Final Resolution

As applicable, VPR's office notifies sponsors, including federal agencies, and Research Foundation of President's decision.

As applicable, VPR's office takes appropriate action to restore reputation of respondent or notify other affected parties of nature of misconduct finding

VPR provides annual redacted report to CERS with statistics on misconduct proceedings (the report will contain no specific information on individuals; files will be retired to the offices of the University attorney for safekeeping).

[End of Policy Framework]

Implementation Issues and Additional Recommendations

- Approval, by the University Senate, of the general structure outlined in this document would authorize the immediate constitution of CERS. Creation of CERS would not require a bylaws change. Thus CERS could function prior to the full completion of the revision of the misconduct policy. Nothing in the current misconduct policy would prevent the utilization of CERS prior to finalization of the full policy. The Council Chairs of the Senate Executive Committee should address other implementation issues that may arise.
- The VPR should immediately begin work to revise the existing policy. The revision will incorporate the policy framework. CERS will take an active role in providing consultation to the VPR on this revision.
- The full revision of the policy should address areas of jurisdiction. The current policy appears to focus on misconduct by faculty. A revision should also consider student and other non-faculty employee misconduct.
- The full revision of the policy should be reviewed and approved by the University Senate.
- Disclosure upon findings of misconduct under this policy. This is a complicated and sensitive issue that elicits a wide range of views. For example, violations of academic integrity covered by this policy may involve matters in the public domain, or at least intended for the public domain. In these cases, full or partial disclosure of the findings of misconduct often will be necessary and in the best interest of the academic community. However, a requirement for complete disclosure of findings and penalties in all cases might not serve the interests of the academic community or the University.
- Given the importance of this issue, we recommend that upon its constitution CERS be charged with studying this issue thoroughly. As soon as possible, CERS should develop a set of recommended guidelines concerning the extent and format of disclosure of information pertaining to a finding of misconduct under this

- policy. CERS should consult with the VPR as it develops these guidelines. The guidelines should take into consideration current practices at the University and practices established by other universities and by the federal government. We recommend that the office of the VPR undertake the study of such practices immediately and thus facilitate CERS' work in the development of the guidelines. CERS should request broad input from faculty and university officials before the guidelines are incorporated in the final version of the misconduct policy.
- The reporting structure of CERS is outlined above in a manner that has CERS reporting to the Senate Executive Committee. However, the exact reporting mechanism should be discussed in the Bylaws Revision Committee.
 - VPR's office develops training for misconduct cases.
 - CERS, working with VPR, plays active role in developing training modules.
 - CERS members participate in training and attend annual retreat/meeting and training update.

Documents and Sources Used for Background in Construction of this Recommendation

1. Current University Policy on Misconduct in Research.
http://www.albany.edu/senate/handbook/section1.html#Policy_on_Misconduct_in
2. U.S. Office of Research Integrity Model Policy and Procedures for Responding to Allegations of Scientific Misconduct (ORI, 1995) subsumed in
http://ori.dhhs.gov/html/policies/fed_research_misconduct.asp
3. PHS Regulations: Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science (42 CFR 50).
http://ori.dhhs.gov/html/misconduct/regulation_subpart_a.asp
4. DHHS Office of Research Integrity Policies on Handling Misconduct.
<http://ori.dhhs.gov/html/misconduct/introduction.asp#>
5. Sheetz, M.D. "Promoting Integrity Through 'Instructions to Authors' A preliminary Analysis. Study commissioned by DHHS Office of Research Integrity.
http://ori.dhhs.gov/multimedia/acrobat/instruction_authors.pdf
6. DHHS Office of Research Integrity. "Analysis of Guidelines for the Conduct of Research Adopted by Medical Schools or Their Components." A study of institutional practices.
<http://ori.dhhs.gov/html/publications/analysisofguidelinesfortheconduct.asp>
7. Ryan Commission Report on Integrity and Misconduct in Research. 1995. Reported to DHHS, House Committee on Commerce, and Senate Committee on Labor and Human Resources.
<http://www.faseb.org/opar/cr.html>
8. Office of Science Technology and Policy. "Research Misconduct - A New Definition and Guidelines for Federal Research Agencies - December 6, 2000"
<http://www.ostp.gov/html/misconduct.html>
9. NIH Grants Policy Statement. Section on Misconduct.
http://grants2.nih.gov/grants/policy/nihgps_2001/nihgps_2001.pdf (pp 55-56)
10. Patricia Keith-Spiegel, Keith Aronson, and Michelle Bowman,* Ball State University (May, 1994). "SCIENTIFIC MISCONDUCT: AN ANNOTATED

BIBLIOGRAPHY". OFFICE OF TEACHING RESOURCES IN PSYCHOLOGY (OTRP), Society for the Teaching of Psychology (APA Division 2).

http://www.lemoyne.edu/OTRP/otrpresources/otrp_sci-misc.html

11. **University Policies Reviewed:**
 - a. **UC Berkeley**
 - b. **U. Minnesota**
 - c. **Ohio State University**
 - d. **Stony Brook**
 - e. **Binghamton University**
 - f. **UCONN**
 - g. **UMASS Amherst**
 - h. **Emory**
 - i. **University of Michigan**
 - j. **University of Illinois (Urbana-Champaign)**
 - k. **University of Pittsburgh**
 - l. **University of Maryland (College Park)**
 - m. **University of South Florida**

CURRENT POLICY

University at Albany Policy on Misconduct in Research (Senate Bill No. 8990-03)

I. Principles and Policy

Maintenance of high ethical standards in research is a central and critical responsibility of the University. According to the Faculty Statement of Ethics of the University at Albany¹, the primary responsibility of faculty to their subject is to "seek; and state the truth as they see it": "accept the obligation to exercise critical self -discipline and judgment in using, extending, and transmitting knowledge"; and "foster honest academic conduct."

These principles of ethical conduct for faculty are applicable to all members of the University community. It is in the best interest of the public and of all those who are conducting or supporting research within the University for the University to promote integrity, to prevent misconduct in research, and to act effectively and responsibly to resolve situations of suspected or alleged misconduct. While the primary responsibility for avoiding research misconduct rests with the researchers themselves, the University is responsible both for promoting academic practices that prevent misconduct and for developing policies and procedures for dealing with allegations or other evidence of misconduct in research.

Therefore, in keeping with its commitment to integrity in the pursuit of truth and in compliance with federal regulations, the University at Albany will immediately review

allegations or other evidence of misconduct in research; thoroughly investigate such instances if the initial inquiry concludes 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.

II. Definitions

The following definitions are embodied in regulations issued by the National Science Foundation² and the Public Health Service of the Department of Health and Human Services.³

"Misconduct" means (1) "fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the [academic] community for proposing, conducting or reporting research. It does not include honest error or honest differences in interpretations or judgments of data."⁴; (2) "material failure to comply with Federal requirements for protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals; or (3) failure to meet other material legal requirements governing research.

>Inquiry' means information gathering and initial fact -finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

'Investigation' means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.⁷

III. Guidelines for Inquiry and Investigation of Allegations of Misconduct

In accord with its principles and in compliance with federal regulations, the University will adhere to the following general guidelines with respect to alleged misconduct in research.

- A. An allegation or other evidence of possible misconduct in research, from whatever source will receive immediate attention. All allegations should be directed to the Vice President for Research.
- B. The University will protect, to the maximum extent possible, the privacy, position, and reputation of those who in good faith report apparent misconduct in research.
- C. The University will afford the affected individuals confidential treatment to the maximum extent possible, a prompt inquiry into the allegations, a thorough investigation if one is deemed necessary, and will assure the rights of the accused person(s) to respond to the allegations both during the course of and at the conclusion of any inquiry and investigation.

D. The University will take precautions against real or apparent conflicts of interest on the part of those involved in any inquiry and investigation resulting from an allegation of misconduct in -research.

E. When an allegation of misconduct is not confirmed, the University will, if requested by an affected individual, undertake diligent efforts to restore the reputation of such persons. The University may also examine the propriety of the initial allegation and take further action if appropriate.

F. The University will comply with all state and federal regulations regarding maintenance and access to records and documentation resulting from inquiries and investigations into alleged misconduct.

G. The University will take appropriate interim administrative actions to protect Federal and other funds and ensure that the purposes of the Federal financial assistance are being carried out.⁸

H. The University will notify appropriate external officials, including -- where applicable -- the Office of Research Integrity (ORI) in the Office of the Director of the National Institutes Health (NIH), if it ascertains at any stage of an inquiry or investigation that any of the following conditions exist:(1) There is an immediate health hazard involved;(2) There is an immediate need to protect Federal funds or equipment;(3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individuals who is the subject of the allegations as well as his/her co-investigators and associates, if any;(4) It is probable that the alleged incident is going to be reported publicly;(5) There is a reasonable indication of possible criminal violation. In that instance, the institution must inform ORI [or other external officials, as appropriate] within 24 hours of obtaining that information. ORI will immediately notify the Office of the Inspector General.⁹

IV. Inquiry Requirements

A. The University, through the Vice President for Research, will promptly inquire into an allegation or other evidence of possible misconduct in order to determine whether an investigation is warranted. As stipulated in Federal regulations, the inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period.

B. The Vice President for Research will supervise the inquiry. The process will involve securing appropriate expertise from within and, where necessary, outside the University to evaluate the evidence pertaining to the merits of the allegation.

C. The Vice President for Research will prepare a written report of the inquiry. This report must indicate what evidence was reviewed, summarize statements and interviews

from relevant individuals, present judgments by appropriate faculty and, possibly, external experts; and present the conclusions of the inquiry. A copy of the report of inquiry will be given to the individuals against whom the allegation was made, and any responses to that report by an accused person will be made part of the record.

D. At the completion of an inquiry, the Vice President for Research will make a recommendation to the President of the University as to whether an investigation is warranted and will delineate the basis for this decision to the President and to those directly involved.

E. If it is planned to terminate an inquiry for any reason without completing all relevant requirements under Public Health Service regulations Sec. 50.103 (d), a report of such planned termination, including a description of the reasons for such termination, shall be made to the Office of Research Integrity, Public Health Service. 10

F. The University will maintain, for at least three years, sufficiently detailed documentation to permit an assessment of the reasons for determining whether or not an investigation is warranted

V. Investigation Requirements

A. If the inquiry concludes with a determination that an investigation is warranted, the President will initiate an investigation through the Vice President for Research within 30 days of the completion of the inquiry.

B. When an investigation involves a sponsored program through the Research Foundation, the Vice President for Research will notify and consult the Research Foundation. The University also will notify relevant federal or other external granting agencies, including, where applicable, the Office of Research Integrity at the Public Health Service, in accordance with applicable regulatory requirements. -The notification to ORI shall be sent on or before the date the investigation begins. Such notification will include the name of the person(s) against whom the allegations have been made, the general nature of the allegations, and the Public Health Service application or grant number(s) involved.¹¹

C. The University will take interim administrative actions, as appropriate, to protect any federal or state funds and ensure that the purposes of the external funding are carried out.

D. The Vice President for Research will supervise the investigation. The process will involve securing necessary and appropriate expertise from within and, possibly, outside of the University to carry out a thorough and authoritative evaluation of the relevant evidence. In accord with federal regulations, the process will include, but not necessarily be limited to, examination of pertinent research data and written materials, interviews with all individuals involved either in making the allegation or against whom the allegation is made, and statements from or interviews with other individuals who might

have information regarding the allegation. The investigation shall afford the affected individuals an opportunity to comment on allegations and findings of an investigation. Complainants shall be provided with those portions of the report that address their role and opinions in the investigation.¹²

E. The University will promptly advise the federal Office of Research Integrity of any developments during the course of the investigation which disclose facts that may affect current or potential DHHS funding for individuals under investigation or that the Public Health Service needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest.¹³

F. The University will prepare and maintain the documentation to substantiate the investigation's findings. This documentation will be made available to individuals authorized by state or federal regulations, including, as applicable, the Director of the Office of Research Integrity at the Public Health Service.

G. Under federal regulations, an investigation should ordinarily be completed within 120 days of its initiation. This includes conducting the investigation, preparing the report of findings, making that report available for comment by the subject(s) of the investigation, and (for sponsored research) submitting the report to appropriate federal officials. For investigations involving DHHS grants, should it be necessary to request an extension of the investigation period, such request will be made to the Office of Research Integrity, including an explanation for the delay, an interim report on the progress to date, an outline of what remains to be done, and an estimated date of completion.¹⁴

H. If the University plans to terminate an investigation for any reason without completing all relevant requirements under Public Health Service regulations Section 50.103(d), a report of such planned termination, including a description of the reasons for, shall be made to the Office of Research Integrity, Public Health Service.¹⁵

VI. Institutional Actions

The Vice President for Research will submit to the President the report of the investigation, including any written commentary by the individuals under investigation. In the case of sponsored research, the President will notify the Research Foundation and sponsoring agency of the findings and outcome of the investigation.

If an allegation of misconduct in research is substantiated, the President will institute appropriate disciplinary proceedings. Disciplinary proceedings must be consistent with established University, Board of Trustees, and Research Foundation policies, and with the applicable collective bargaining agreement. Disciplinary sanctions may include termination or alteration of the employment or academic status of the person(s) against whom allegations of misconduct in research have been substantiated.

A final report that is due to the federal Office of Research Integrity must describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individuals found to have engaged in the misconduct, as well as a description of any sanctions taken by the institution.¹⁶

Amended by University Council on Research October 11, 1995

Notes

1. Faculty Statement of Ethics. Adopted by the Senate of the University at Albany on May 5, 1986
2. U.S. National Science Foundation. Misconduct in Science and Engineering Research. Federal Register, v. 52, no. 126, July 1, 1987, pp. 24466-24470.
3. U.S. Public Health Service, Department of Health and Human Services. Responsibilities of Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science. Federal Register, v. 54, no. 151, August 8, 1989, pp. 32446-32451.
4. Federal Register, p. 32449
5. Federal Register, p. 24468
6. Federal Register, p. 32449
7. Ibid.
8. Code of Federal Regulations, U.S. Public Health Service, Section 42, 50.103(d)(11) p. 159
9. Federal Register, p. 32451
10. Code of Federal Regulations, U.S. Public Health Service, Section 42, 50.104(a)(3), p. 159
11. Ibid., Section 42, 50.104(a)(1), p. 159
12. Ibid., Section 42, 50.104(a)(1) and (2), p. 159
13. Ibid., Section 42, 50.104(a)(1) and (2), p. 159
14. Ibid., Section 42, 50.104(a)(5), p. 159. Ibid., Section 42, 50.103(d), p. 158. Ibid., Section 42, 50.104(a)(6), p. 159

PROPOSED POLICY FRAMEWORK

Sections relevant to general guidelines (Original Policy Section III)

1. VPR monitors entire process, and routinely informs the President of the general level of activity. Other officers of the University may also be informed, as may be indicated.
2. CERS may hold regular meetings to discuss general issues regarding academic integrity in research and scholarship and to draw, as necessary, on the experience of

members. CERS may make recommendations to the VPR about policy and procedures for handling of misconduct cases and to the Senate regarding misconduct policy and procedures.

3. In the case of potential conflicts of interest, extended absences, or other similar reasons, both CERS Chair and VPR may designate an alternate to serve their role in this process.

Sections Relevant to Assessment of Allegation (Also Original Policy Section III)

1. Vice President for Research (VPR) receives allegation of misconduct.

2. VPR promptly and fully informs CERS Chair of the allegation and consults with him or her to determine if the allegation meets criteria of academic misconduct or pertains instead to another compliance area (human subjects, animal use, law breaking, etc.). In the latter case, VPR refers allegation, as appropriate, to other institutional officials or authorities.

3. If either VPR or CERS Chair concludes that a reasonable basis for an inquiry exists, then an inquiry is indicated, an Inquiry will be conducted.

Sections Relevant to the Inquiry (Original Policy Section IV)

1. VPR notifies respondent and complainant of initiation of inquiry. VPR ensures that pertinent records (or citations to them) are obtained and placed in an inquiry file.

2. In consultation with CERS Chair, the VPR appoints the Inquiry Committee, including at least one CERS member, and appoints the chair of the Inquiry Committee.

3. VPR ensures that individual meetings are being scheduled with respondent and complainant so that the inquiry process has direct input from both parties. These meetings are conducted by the Inquiry Committee and staffed by the VPR's office.

4. The Inquiry Committee examines the evidence and recommends to the VPR whether an investigation is warranted.

5. The Inquiry Committee Chair may consult with the VPR regarding the inquiry.

6. Any member of the Inquiry Committee concerned about procedures or the process of the inquiry should first consult with the Inquiry Committee Chair and, if the issue cannot be resolved, with the VPR as the institutional official responsible for the case. In this instance, the VPR will adjudicate the issue in consultation with the Inquiry Committee Chair, the committee member, and the CERS chair.

7. Admission to any material aspect of the allegation(s) by the respondent at any point in time triggers an investigation.

8. The inquiry committee prepares a report. The VPR transmits this inquiry report and his or her recommendations to the President for determination whether to terminate case or to initiate an investigation.

9. VPR notifies CERS Chair of these recommendations.

10. As applicable, VPR's office notifies sponsors, including federal agencies, and Research Foundation if an investigation is to be conducted.

Sections Relevant to Investigation (Original Policy Section V)

1. President authorizes VPR to initiate investigation

2. VPR notifies respondent and complainant of initiation of investigation and gives the full inquiry report to respondent for comment.

3. In consultation with CERS Chair, the VPR appoints the Investigation Committee, including at least one CERS member, and appoints the chair of the Investigation Committee. The Investigation Committee will normally include the CERS member(s) who served on the Inquiry Committee.

4. VPR provides necessary support and staff to Investigation Committee for conduct of investigation and follows up on progress each week

5. The Investigation Committee Chair may consult with the VPR regarding the investigation.

6. Any member of the Investigation Committee concerned about procedures or the process of the investigation should first consult with the Investigation Committee Chair and, if the issue cannot be resolved, with the VPR as the institutional official responsible for the case. In this instance, the VPR will adjudicate the issue in consultation with the Investigation Committee Chair, the committee member, and the CERS chair.

7. Upon concluding the investigation, the Investigation Committee prepares report concluding whether the evidence supports the allegations. The Investigation Committee may offer recommendations on how to correct any relevant public record.

8. VPR receives investigation report, prepares recommendations to the President, and transmits both the report and the recommendations to the President.

9. VPR notifies CERS Chair of these recommendations.

Sections Relevant to Determination of Misconduct (Original Policy Section VI)

- 1. President reviews the report and recommendations of the Investigation Committee and determines appropriate institutional actions, including institutional disciplinary actions or sanctions.*
- 2. In this process, President may consult with Investigation Committee to clarify facts or seek further information.*
- 3. When there is a finding of misconduct, the President consults with CERS regarding disciplinary actions or sanctions. In such cases, the President may reveal, to CERS, any information pertaining to the case or the respondent as might be required for effective consultation.*
- 4. President issues the institutional determination in writing and, if there is a finding of misconduct, actions to be taken. With recommendation of VPR, President also makes final determination as to which concerned parties should be notified. Typically, this would include respondent, complainant and Investigation Committee members.*
- 5. President, via VPR, notifies CERS Chair of finding and actions to be taken.*

Sections Relevant to Final Resolution (Also Original Policy Section VI)

- 1. As applicable, VPR's office notifies sponsors, including federal agencies, and Research Foundation of President's decision.*
- 2. As applicable, VPR's office takes appropriate action to restore reputation of respondent or notify other affected parties of nature of misconduct finding.*
- 3. VPR provides annual redacted report to CERS with statistics on misconduct proceedings (the report will contain no specific information on individuals; files will be retired to the offices of the University attorney for safekeeping).*

Documents and Sources Used for Background in Construction of the Policy Framework

- 1. Current University Policy on Misconduct in Research.
http://www.albany.edu/senate/handbook/section1.html#Policy_on_Misconduct_in*
- 2. U.S. Office of Research Integrity Model Policy and Procedures for Responding to Allegations of Scientific Misconduct (ORI, 1995) subsumed in
http://ori.dhhs.gov/html/policies/fed_research_misconduct.asp*

3. PHS Regulations: Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science (42 CFR 50).
http://ori.dhhs.gov/html/misconduct/regulation_subpart_a.asp
4. DHHS Office of Research Integrity Policies on Handling Misconduct.
<http://ori.dhhs.gov/html/misconduct/introduction.asp#>
5. Sheetz, M.D. "Promoting Integrity Through 'Instructions to Authors' A preliminary Analysis. Study commissioned by DHHS Office of Research Integrity.
http://ori.dhhs.gov/multimedia/acrobat/instruction_authors.pdf
6. DHHS Office of Research Integrity. "Analysis of Guidelines for the Conduct of Research Adopted by Medical Schools or Their Components." A study of institutional practices. <http://ori.dhhs.gov/html/publications/analysisofguidelinesfortheconduct.asp>
7. Ryan Commission Report on Integrity and Misconduct in Research. 1995. Reported to DHHS, House Committee on Commerce, and Senate Committee on Labor and Human Resources. <http://www.faseb.org/opar/cri.html>
8. Office of Science Technology and Policy. "Research Misconduct - A New Definition and Guidelines for Federal Research Agencies - December 6, 2000"
<http://www.ostp.gov/html/misconduct.html>
9. NIH Grants Policy Statement. Section on Misconduct.
http://grants2.nih.gov/grants/policy/nihgps_2001/nihgps_2001.pdf (pp 55-56)
10. Patricia Keith-Spiegel, Keith Aronson, and Michelle Bowman,* Ball State University (May, 1994). "SCIENTIFIC MISCONDUCT: AN ANNOTATED BIBLIOGRAPHY". OFFICE OF TEACHING RESOURCES IN PSYCHOLOGY (OTRP), Society for the Teaching of Psychology (APA Division 2).
http://www.lemoyne.edu/OTRP/otrresources/otrp_sci-misc.html