

1 **University at Albany Policy and Procedures on**
2 **Misconduct**
3 **in Research and Scholarship**¹
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5**I. Policy**
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7 This policy addresses violations of academic integrity as related to
8 misconduct in research and scholarship, including corresponding
9 misconduct in artistic expression that is not protected by freedom of
10 expression (hereinafter referred to as “misconduct”). **Misconduct**
11 means:

- 12 (1) misrepresentation of academic credentials or scholarship;
- 13 (2) fabrication, falsification, or plagiarism in proposing,
14 conducting, or reviewing research or in research results; or
- 15 (3) other practices involving violations of academic integrity that
16 significantly deviate from practices commonly accepted
17 within the academic community in research and scholarship
18 and in artistic performance and expression.

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

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

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

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40 Definitions of key terms are given in the Appendix.

1¹ This policy document implements the “*Recommendations and Policy Framework on*
2*Responding to Misconduct in Research and Scholarship*,” approved by the University
3Senate on March 17, 2003. A first draft version was completed by the Office of the
4Vice President for Research in May 2003. The Committee on Ethics in Research and
5Scholarship completed a substantially revised version in summer 2004. The final
6version incorporates additional input that was received from the Council on Research,
7the Vice President for Research, the Office of the University Counsel, and a number of
8faculty during fall 2004.

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44II. Summary of Procedures

The institutional response to reports of suspected misconduct includes the following steps. Detailed guidelines and procedures are described in the remainder of this policy.

II. A. Initial Assessment of Suspected Misconduct

Suspected misconduct is reported to the Vice President for Research who informs the Chair of the Committee on Ethics in Research and Scholarship (CERS).

II. B. Inquiry

If either the Vice President for Research or the CERS Chair concludes that an inquiry should be conducted, an Inquiry Committee will make a recommendation to the President as to whether the allegation of misconduct warrants a formal investigation.

II. C. Investigation

If the President authorizes an investigation, an Investigation Committee formally examines and evaluates the evidence and other relevant information to determine if misconduct has occurred.

II. D. Institutional Actions

The President reviews the investigation report and the recommendation of the Vice President for Research, makes the final determination whether misconduct has occurred, and imposes appropriate institutional sanctions.

74III. General Guidelines for Assessment, 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 guidelines.

80 III. A. Rights and Responsibilities of the Complainant

Rights: The Vice President for Research will make every effort to ensure the privacy and confidentiality of complainants. The University will protect, to the maximum extent possible, the position and the reputation of those who in good faith report alleged misconduct in research.

The Vice President for Research will work to ensure that complainants will not be retaliated against in the terms and conditions of their employment or other status at the University and will review instances

90 of alleged retaliation for appropriate action. Any alleged or apparent
91 retaliation should be reported immediately to the Vice President for
92 Research.

93
94 The complainant will be provided a copy of the formal allegations when
95 and if an inquiry is opened. The complainant will have the opportunity
96 to review portions of the inquiry and investigation reports pertinent to
97 the complainant's report or testimony, and will be informed in writing
98 of the results of the inquiry and investigation, and of the final
99 determination. After the final determination and upon request to the
100 Vice President for Research, the complainant shall be given access to
101 the full documentation.

102
103 Responsibilities: The complainant is responsible for making allegations
104 in good faith, maintaining confidentiality, and cooperating fully with an
105 inquiry and/or investigation.

106 107 **III. B. Rights and Responsibilities of the Respondent**

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

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

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

126
127 Responsibilities: Except as far as necessary to prepare an effective
128 response, the respondent is responsible for maintaining confidentiality
129 and cooperating fully with the conduct of an inquiry and/or
130 investigation.

131 132 **III. C. Conflict of Interest**

133
134 The University will take precautions against real or apparent conflicts
135 of interest on the part of those involved in any inquiry and
136 investigation resulting from an allegation of misconduct. Any party
137 with a real or apparent conflict of interest shall recuse themselves from
138 all aspects of the misconduct investigation. In cases where the Vice
139 President for Research has a real or apparent conflict of interest,

140 reports of suspected misconduct will be referred by him/her to an
141 administrator designated by the Provost. In cases where the Chair of
142 CERS has a real or apparent conflict of interest, the Chair of the Senate
143 shall designate another member of CERS. The designees will then act
144 in the place of the Vice President for Research and/or the Chair of
145 CERS, as applicable, under this policy.

146
147 **III. D. Confidentiality**

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

169
170 **III. E. Membership of Committees**

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

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178 **III. F. Procedural Issues**

179
180 The chairs of the Inquiry and Investigation Committees may consult
181 with the Vice President for Research regarding the inquiry or
182 investigation, as appropriate. Any member of these committees
183 concerned about procedures or process should first consult with the
184 chair of the appropriate committee and, if the issue is not resolved,
185 with the Vice President for Research as the institutional official
186 responsible for the case. In this instance, the Vice President for
187 Research will adjudicate the issue in consultation with the chair of the
188 relevant committee, the committee member, and the CERS chair.

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190 **III. G. Regulatory Requirements**

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192 In case the alleged misconduct involves research supported by federal
193 agencies, the University will comply with applicable current federal
194 procedural guidelines and regulations.

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

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

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218 **III. H. Evidentiary Standards**

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

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

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227 **III. I. Maintenance of Documents**

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229 The Vice President for Research or his/her designee shall locate,
230 collect, inventory, and secure relevant research records to prevent the
231 loss, alteration, or fraudulent creation of records. During this process
232 the Vice President for Research or his/her designee shall follow the
233 guidelines detailed in the *National Institutes of Health's Office of
234 Research Integrity (ORI) Model Procedures*. The University will
235 maintain for at least seven years complete documentation of the
236 investigation process, proceedings, inquiry and investigation reports,
237 findings, recommendations, and final determination. Documents shall
238 be kept in the offices of the Vice President for Research for
239 safekeeping.

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

244 **IV. Stage 1: Reporting of Suspected Misconduct and Initial**
245 **Assessment**

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

261
262 Following receipt of an allegation, the Vice President for Research shall
263 review any record of prior allegations, inquiries, and/or investigations
264 involving the respondent. Such records may be included in any
265 further review of the current allegation. Allegations that are
266 substantially identical to a case that has been the subject of an earlier
267 Investigation shall be dismissed with reference to the earlier
268 disposition.

269
270 If either the Vice President for Research or the CERS Chair concludes
271 that a reasonable basis for an Inquiry exists, the Vice President for
272 Research will initiate an Inquiry within 14 calendar days by preparing a
273 formal written allegation outlining the charges of suspected
274 misconduct. A written record of the reasons supporting their decision
275 either to proceed or not to proceed with an Inquiry shall be maintained
276 in the office of the Vice President for Research. The complainant shall
277 be informed of the decision and may review the written record upon
278 request.

279
280 If during the assessment of suspected misconduct it is determined that
281 the suspected misconduct pertains to another area of non-compliance
282 (human subjects, animal subjects, fiscal fraud, etc.), the Vice President
283 for Research will refer the individual or evidence to other institutional
284 officials or authorities, as appropriate.

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287 **V. Stage 2: Inquiry**

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289 The purpose of the inquiry is to make a preliminary evaluation of the
290 available evidence and testimony of the complainant, respondent, and
291 key witnesses to determine whether there is sufficient evidence of
292 possible misconduct to warrant an investigation. The purpose of the

293 inquiry is not to reach a final conclusion about whether misconduct
294 occurred or who was responsible.

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V. A. Initiation of the Inquiry

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

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V. B. Formation of the Inquiry Committee

304 In consultation with the CERS chair, the Vice President for Research
305 shall appoint the Inquiry Committee and its chair within 10 calendar
306 days of the initiation of the inquiry. The Inquiry Committee shall
307 include at least one CERS member. The CERS chair shall not serve on
308 the committee.

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V. C. Notification of the Respondent and Complainant

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

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- include the written allegation(s) and identify the research,
316 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
318 Misconduct in Research and Scholarship.

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

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

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

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V. D. Response to Allegation

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

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V. E. Procedures

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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 calendar days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period.

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

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

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V. F. Inquiry Report

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The Inquiry Committee shall submit a written report to the Vice President for Research. This report must indicate what evidence was reviewed, summarize statements and interviews from relevant individuals, and present the conclusions of the committee as to whether sufficient evidence exists to warrant an investigation. The Vice President for Research will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant with those portions of the draft report that address the complainant's role and opinions in the inquiry. The respondent and complainant will be given 14 calendar days from the transmission of the report to provide their written comments. Any written responses to the report by either party will be made part of the report and record.

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

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V. G. Decision by the President

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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

391 she may ask the Committee to re-review the allegation(s). If the
392 President determines that there is insufficient evidence of possible
393 misconduct, the case will be terminated. The basis for the President's
394 decision must be fully documented.

395
396 The President's decision marks the end of the Inquiry.

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398 The Vice President for Research shall notify the respondent, the
399 complainant, all persons involved in the inquiry (i.e., anyone who has
400 been interviewed or otherwise informed of the allegations) and the
401 chair of CERS of the President's decision.

402
403 **V. H. Reports NOT Made in Good Faith**

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

409 **VI. Stage 3: Investigation**

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

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418 **VI. A. Initiation of the Investigation**

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

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

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

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437 In consultation with the CERS Chair, the Vice President for Research
438 shall appoint the Investigation Committee and its chair within 10
439 calendar days of the initiation of the investigation. The Investigation
440 Committee shall include at least one CERS member, normally including
441 the CERS member(s) who served on the Inquiry Committee. It may
442 also include other individuals who served on the Inquiry Committee.
443 The CERS chair shall not serve on the Investigation Committee. If the
444 Investigation Committee is not appointed within 10 days, the record of
445 the investigation shall include a justification for the delay.

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

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449 The Vice President for Research shall notify the respondent in writing of
450 the initiation of the investigation. The notification should include:

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

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456 The respondent may submit a written objection to any appointed
457 member of the Investigation Committee based on bias or conflict of
458 interest within 5 calendar days of notice. Upon receipt of such

459 objection the Vice President for Research will promptly determine in
460 consultation with the CERS Chair whether to replace any challenged
461 member(s) with a qualified substitute.

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463 The Vice President for Research will also notify the complainant in
464 writing of the initiation of the investigation and of the obligation to
465 cooperate with the process and to maintain confidentiality.

466

467 **VI. D. Investigation Process**

468 The Vice President for Research is responsible for conducting the
469 investigation. The investigation must be completed within 120
470 calendar days of its initiation unless circumstances clearly warrant a
471 longer period. If the investigation takes longer than 120 calendar days
472 to complete, the record of the investigation shall include
473 documentation of the reasons for exceeding the 120-day period.

474

475 The Vice President for Research shall provide the necessary support
476 and staff to the Investigation Committee for the conduct of the
477 investigation and shall monitor the progress.

478

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

486

487 The investigation process will include, but not necessarily be limited to,
488 examination of pertinent research data and written materials,
489 interviews with all individuals involved either in making the allegation
490 or against whom the allegation is made, and statements from or
491 interviews with other individuals who might have information regarding
492 the allegation.

493

494 Interviews with the respondent will be transcribed or recorded.
495 Interviews with anyone else will be transcribed or recorded if practical,
496 or else summarized.

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499 **VI. E. Investigation Report and Recommendations of the Vice** 500 **President for Research**

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

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

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

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

529
530 The investigation concludes when the President makes the final
531 determination as detailed in section VII. A and the President's report is
532 submitted to federal officials, as applicable, and to the Chair of CERS.

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

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

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

544

545 The President will make the final institutional determination in writing
546 of whether misconduct has occurred. If the President does not concur
547 with the final conclusions of the Investigation Committee, the President
548 shall consult with CERS before finalizing the determination.

549

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

555

556 **VII. B. Appeal**

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

565
566 **VII. C. Finding of No Misconduct**

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

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573 **VII. D. Sanctions**

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

584
585 Disciplinary sanctions must be commensurate with the nature/severity
586 of the proven allegations. They may include, but are not limited to:

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

603
604 Disciplinary proceedings and sanctions must be consistent, as
605 applicable, with established University, Board of Trustees, and
606 Research Foundation policies, the student code of conduct, and the
607 collective bargaining agreement.

608
609 The President makes the final decision and informs the respondent
610 regarding disciplinary actions.

611
612 **VII. E. Notifications**

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

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630 **VIII. Annual Report to CERS**

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632 The Vice President for Research shall provide an annual report to CERS
633 with statistics on misconduct proceedings. The report will contain no
634 specific information on individuals.

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637 Adopted by University Senate and approved by President Kermit Hall, 02-09-
638 05 (Senate Bill No. 0405-02)
639 Amended and approved by President Kermit Hall, 05-12-05 (Senate Bill No.
640 0405-25)
641 Amended and approved by President Kermit Hall, 06-21-06 (Senate Bill No.
642 0506-27)

643 **APPENDIX: DEFINITIONS**

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

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

653

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

659

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

663

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

666

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

670

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

675

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

679

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

682

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

691

- 692**K.** **Institutional Official** means the individual charged with the
693 responsibility of responding to allegations of misconduct and with
694 conducting all misconduct inquiries and investigations. The
695 institutional official in cases of misconduct is the Vice President for
696 Research.
697
- 698**L.** **Investigation** means the formal examination and evaluation of all
699 relevant facts to determine if misconduct has occurred.
700
- 701**M.** **Investigation Committee** means the committee that is charged
702 with conducting an investigation into an allegation of misconduct.
703
- 704**N.** **Misconduct** means:
705 (1) misrepresentation of academic credentials or scholarship;
706 (2) fabrication, falsification, or plagiarism in proposing, conducting, or
707 reviewing research or in research results; or
708 (3) other practices involving violations of academic integrity that
709 significantly deviate from practices commonly accepted within the
710 academic community in research and scholarship and in artistic
711 performance and expression.
712 A finding of misconduct requires that:
713 (a) there be a significant departure from accepted practices of the
714 relevant research or scholarly community;
715 (b) the misconduct be committed intentionally, knowingly, or
716 recklessly; and
717 (c) the allegation be proven by a preponderance of the evidence.
718
- 719**O.** **Plagiarism** means the appropriation of another person's ideas,
720 processes, results or words without giving appropriate credit.
721
- 722**P.** **Research Record** means any data, document, computer file,
723 computer
724 diskette, or any other written or non-written account or object that
725 reasonably may be expected to provide evidence or information
726 regarding the proposed, conducted or reported misconduct that
727 constitutes the subject of an allegation of misconduct. A research
728 record includes, but is not limited to, grant or contract applications,
729 whether sponsored or not; grant or contract progress reports;
730 laboratory notebooks; notes; correspondence; electronic
731 communication; videos; photographs; X-ray film; slides; biological
732 materials; computer files and printouts; manuscripts and publications;
733 equipment use logs; portfolios and laboratory procurement records. It
734 shall also include Institutional Review Board or Institutional Animal
735 Care and Use Committee records or documentation if these relate to or
736 form the basis of an allegation of research misconduct based on
737 fabrication, falsification or plagiarism, or other practices that seriously
738 deviate from those commonly accepted with the academic community.
739
- 740**Q.** **Respondent** means the person who is alleged to have committed
741 possible misconduct.

