

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

I. Policy

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

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

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

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

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

Definitions of key terms are given in the Appendix.

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

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

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

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

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

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

75 Rights: The Vice President for Research will make every effort to ensure the
76 privacy and confidentiality of complainants. The University will protect, to the
77 maximum extent possible, the position and the reputation of those who in good
78 faith report alleged misconduct in research.
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80 The Vice President for Research will work to ensure that complainants will not be
81 retaliated against in the terms and conditions of their employment or other
82 status at the University and will review instances of alleged retaliation for
83 appropriate action. Any alleged or apparent retaliation should be reported
84 immediately to the Vice President for Research.
85

86 The complainant will be ~~provided a copy of the formal allegations when and if an~~
87 ~~inquiry is opened.~~ informed whether or not an inquiry and investigation is
88 initiated. The complainant will have the opportunity to review ~~portions of the~~
89 ~~inquiry and investigation reports pertinent to~~ the complainant's report or
90 testimony, ~~and~~ The complainant will be informed in writing ~~of the results of the~~
91 ~~inquiry and investigation, and~~ of the final determination. After the final
92 determination ~~and upon request to the Vice President for Research,~~ the
93 complainant ~~shall~~ may, at the discretion of the President, be given access to the
94 full ~~documentation~~ record of the review process or final determination.

95
96 Responsibilities: The complainant is responsible for making allegations in good
97 faith, maintaining confidentiality of the proceedings and any information and
98 documents created as a part thereof, and cooperating fully with an inquiry
99 and/or investigation. A complainant who does not maintain confidentiality
100 waives his or her right to notification and reports. The responsibility of the
101 complainant is to serve as a witness, not to serve as an advocate for any
102 particular review process or final determination.

103 104 105 **III. B. Rights and Responsibilities of the Respondent**

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

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

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

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

127 128 **III. C. Conflict of Interest**

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

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

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

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

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

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III. G. Regulatory Requirements

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

The University will comply with all New York State and federal regulations regarding maintenance and access to records and documentation resulting from inquiries and investigations into alleged misconduct. 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. At any time during an inquiry or investigation, where applicable, the University shall immediately notify the appropriate federal sponsoring agency

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

III. H. Evidentiary Standards

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

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

III. I. Maintenance of Documents

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

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

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

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 ~~with an Inquiry~~ 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

277 If during the assessment of suspected misconduct it is determined that the
278 suspected misconduct pertains to another area of non-compliance (~~human~~
279 ~~subjects, animal subjects, fiscal fraud, etc.~~), the Vice President for Research ~~will~~
280 may refer the individual or evidence to other institutional officials or authorities,
281 as appropriate.
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284 **V. Stage 2: Inquiry**

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286 The purpose of the inquiry is to ~~make a preliminary evaluation of the available~~
287 ~~evidence and testimony of the complainant, respondent, and key witnesses to~~
288 ~~determine whether there is sufficient evidence of possible misconduct to~~
289 determine whether the allegation warrants an investigation. An investigation is
290 warranted if the allegation falls within the definition of misconduct in research
291 and scholarship, and preliminary information-gathering indicates that the
292 allegation may have substance. The inquiry phase may draw on testimony or
293 written statements of the complainant, respondent, and key witnesses if
294 necessary to determine whether there is sufficient evidence of possible
295 misconduct to warrant an investigation. An inquiry does not require a full review
296 of all the evidence related to the allegation. The purpose of the inquiry is not to
297 reach a final conclusion about whether misconduct occurred or who was
298 responsible.
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300 **V. A. Initiation of the Inquiry**

301 In initiating the inquiry, the Vice President for Research shall prepare a formal
302 allegation in writing and clearly identify any related issues that should be
303 evaluated. The Vice President for Research ensures that pertinent records (or
304 citations to them) are obtained and placed in an inquiry file.
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306 **V. B. Formation of the Inquiry Committee**

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

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316 The Vice President for Research will notify the respondent in writing of the
317 initiation of the inquiry. The notification should:
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- include the written allegation(s) and identify the research, scholarship, or
- 320 artistic performance or expression in question,
- 321 • list the members of the Inquiry Committee, and
- 322 • include a copy of the University at Albany Policy and Procedures on
- 323 Misconduct in Research and Scholarship.

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

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

V. D. Response to Allegation

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

V. E. Procedures

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 [respondent and complainant shall be notified of the delay and the](#) record of the inquiry shall include documentation of the reasons for exceeding the 60-day period.

The Vice President for Research shall ensure that individual interviews are scheduled with the respondent and complainant, ~~if necessary 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.

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

V. F. Inquiry Report

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

372 of the committee as to whether sufficient evidence exists to warrant an
373 investigation. The Vice President for Research will provide the respondent with a
374 copy of the draft inquiry report for comment and rebuttal and will provide the
375 complainant with those portions of the draft report that address ~~the~~
376 ~~complainant's role and opinions in the inquiry his or her~~ the complainant's own
377 testimony, if any. The respondent and complainant will be given 14 calendar
378 days from the transmission of the report to provide their written comments. Any
379 written responses to the report by either party will be made part of the report
380 and record.

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

386
387 The President will make the final determination whether the findings of the
388 inquiry provide sufficient evidence of possible misconduct to justify the initiation
389 of an investigation, or whether additional information or clarification is necessary.
390 If the President does not concur with a committee finding of sufficient evidence
391 of possible misconduct, he or she may ask the Committee to re-review the
392 allegation(s). If the President determines that there is insufficient evidence of
393 possible misconduct, the case will be terminated. The basis for the President's
394 decision must be fully documented.

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

398
399 The Vice President for Research shall notify, in writing, the respondent, the
400 complainant, all persons involved in the inquiry (i.e., anyone who has been
401 interviewed or otherwise informed of the allegations) and the chair of CERS
402 whether or not ~~of~~ the President's decision indicated that an investigation will be
403 initiated.

404 **V. H. Reports NOT Made in Good Faith**

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

411 **VI. Stage 3: Investigation**

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

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VI. A. Initiation of the Investigation

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

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

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VI. B. Formation of the Investigation Committee

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

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VI. C. Notification of the Respondent and Complainant

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

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

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

459 calendar days of notice. Upon receipt of such objection the Vice President for
460 Research will promptly determine in consultation with the CERS Chair whether to
461 replace any challenged member(s) with a qualified substitute.
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463 The Vice President for Research will ~~also~~ notify the complainant in writing
464 whether or not an ~~of the initiation of the~~ investigation is initiated and of the
465 obligation to 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 investigation.
469 The investigation, including the final determination of the President must be
470 completed within 120 calendar days of its initiation unless circumstances clearly
471 warrant a longer period. If the investigation takes longer than 120 calendar days
472 to complete, the respondent and complainant shall be notified of the delay and
473 the record of the investigation shall include documentation of the reasons for
474 exceeding the 120-day period.
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476 The Vice President for Research shall provide the necessary support and staff to
477 the Investigation Committee for the conduct of the investigation and shall
478 monitor the progress.
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480 The Vice President for Research will determine if additional experts other than
481 those appointed to the Investigation Committee need to be consulted during the
482 investigation to provide special expertise to the committee regarding the analysis
483 of specific evidence. In such cases, the experts provide a strictly advisory
484 function to the committee; they do not vote and generally do not interview
485 witnesses. The experts may be chosen from inside or outside the University.
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487 The investigation process will include, but not necessarily be limited to,
488 examination of pertinent research data and written materials, interviews with all
489 individuals involved either in making the allegation or against whom the
490 allegation is made, and statements from or interviews with other individuals who
491 might have information regarding the allegation.
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493 Interviews with the respondent will be transcribed or recorded. Interviews with
494 anyone else will be transcribed or recorded if practical, or else summarized.
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496 **VI. E. Investigation Report and Recommendations of the Vice President** 497 **for Research** 498

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

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

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

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

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

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

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

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

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

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

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552 **VII. B. Appeal**

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

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

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

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568 **VII. D. Sanctions**

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

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

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

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

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602 The President makes the final decision and informs the respondent regarding
603 disciplinary actions.

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605 **VII. E. Notifications**

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

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622 **VIII. Annual Report to CERS**

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

631

632

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

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

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

637

638 Amended.....

639 **APPENDIX: DEFINITIONS**

640

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

644

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

648

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

653

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

657

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

659

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

663

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

668

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

672

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

675

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

683

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

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

688

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

691

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

694

695 **N. Misconduct in research and scholarship** means:

696 (1) misrepresentation of academic credentials in research and ~~or~~ scholarship or
697 in securing awards, grants, or recognition;

698

699 (2) fabrication, falsification, or plagiarism in proposing, conducting, or reviewing
700 research or in research results; or

701

702 (3) other practices involving violations of academic integrity that significantly
703 deviate from practices commonly accepted within the academic community in
704 research and scholarship and in artistic performance and expression.

704

705 Misconduct would not NOT ordinarily include such things as:

706 (1) Honest error or disagreements;

707

708 (2) Disputes among collaborators about relative credit;

709

710 (3) Informal activities that do not meet the formal definition of scholarship, such
711 as classroom presentations.

711

712 A finding of misconduct requires that:

713

714 (a) there be a significant departure from accepted practices of the relevant
715 research or scholarly community;

716

717 (b) the misconduct be committed intentionally, knowingly, or recklessly; and

718

719 (c) the allegation be proven by a preponderance of the evidence.

720

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

726

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

729

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

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

741
742 **Q. Respondent** means the person who is alleged to have committed possible
743 misconduct.

744
745
746 R. [Research and Scholarship](#)

747
748 [For the purposes of this policy, scholarship is broadly defined as including](#)
749 [activities which fall under the ORI definition of research, as well as original](#)
750 [scholarly contributions or artistic works which constitute advances or](#)
751 [contributions to the individual's discipline or to practice in the field.](#)

752
753 [The ORI definition of research is:](#)
754 [Research means a systematic investigation, including research development,](#)
755 [testing and evaluation, designed to develop or contribute to generalizable](#)
756 [knowledge. Activities meeting this definition constitute research for purposes of](#)
757 [this policy, whether or not they are conducted or supported under a program](#)
758 [which is considered research for other purposes. For example, some](#)
759 [demonstration and service programs may include research activities.](#)

760
761