

St. John Fisher College
Policy and Procedures for Reporting and Dealing with Research Misconduct
Updated September 2021

1. Preamble and Summary

St. John Fisher College faculty, staff, and students are expected to observe the highest standards of professional conduct, including in research endeavors. Fisher takes allegations of research misconduct seriously and will investigate promptly while ensuring the maximum protection to both the complainant and the respondent subject to the allegation. The policy and procedures outlined below will be applied in all instances of possible research misconduct. Please note, each case varies and will be reviewed independently; variation to the procedures below may be appropriate when deemed necessary by the College or required by federal officials.

2. Definitions

Research misconduct: Research misconduct represents the fabrication, falsification, or plagiarism in proposing or performing research. It does not include honest error or differences of opinion. (Please note that violations of Institutional Review Board (IRB) policies and regulations or the Institutional Animal Care and Use Committee (IACUC) policies and regulations will be handled by the IRB and IACUC committees respectively. Information about IRB policies can be found on the Provost's web site. For information about IACUC policies, contact the Biology Department.)

Fabrication: making up data or results and recording or reporting them

Falsification: manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. The manipulation must have substantial scientific effects (such as change in direction, size, or significance of reported results).

Plagiarism: appropriation of another person's ideas, processes, results or words without giving appropriate credit

(45 Code of Federal Regulations 689)

Complainant: The complainant is an individual(s) who submits an allegation of research misconduct.

Respondent: The respondent is the individual(s) against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

Inquiry: An inquiry consists of preliminary information-gathering and preliminary fact-finding to determine whether an allegation or apparent instance of research misconduct has substance and if an investigation is warranted (45 CFR 689).

Investigation: An investigation is a formal development, examination and evaluation of a factual record to determine whether research misconduct has taken place, to assess its extent and consequences, and to evaluate appropriate action (45 CFR 689).

Deciding Official (DO): The provost serves as the Deciding Official, making final determinations on allegations of research misconduct and any institutional administrative actions. The DO should have no direct prior involvement in any institutional investigation and no conflict of interest with the respondent.

Research Integrity Officer (RIO): The RIO is an individual, typically a dean, appointed by the provost who will have primary responsibility for overseeing a research misconduct inquiry and/or investigation. The RIO is responsible for the following: 1) assessing allegations of research misconduct to determine if they fall within the definition research misconduct; 2) determining if an investigation is warranted on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; 3) overseeing investigations; and 4) meeting the other responsibilities described in this policy.

Principal Investigator (PI): The PI is the primary individual leading a funded research project. It is the responsibility of the PI to maintain ethical research practices.

Office of the Inspector General (OIG): The OIG provides independent oversight of programs and operations for each federal agency. The office is responsible for promoting efficiency and effectiveness in agency programs and for preventing and detecting fraud, waste, and abuse.

3. Procedure for Handling Allegations of Research Misconduct

A. Submission of Allegations

Any individual who in good faith suspects a case of research misconduct is required to promptly report the case to the provost or any of the following, who shall immediately report the information to the provost: the Office of Sponsored Programs, the individual's department chair, or any other campus official who supervises the individual. Allegations involving a dean should be submitted to the provost. Allegations involving the provost should be submitted to the president. Allegations involving the president should be submitted to the chair of the board of trustees. Any allegations of possible research misconduct and related procedures shall be treated as confidential to the extent possible.

B. Assessment of Allegations

Within 15 calendar days of receiving an allegation of research misconduct from a complainant, the provost and the Research Integrity Officer (RIO), typically a dean appointed by the provost, shall meet with the parties involved (complainant and respondent) and determine whether a formal inquiry is required. A formal inquiry is necessary if the allegation falls within the scope of research misconduct, as defined by this policy; and if the information regarding the allegation is credible based on the preponderance of evidence.

If external funds are involved, the provost determines whether the law, regulation, or terms or conditions of the grant award require notification of the funder or other actions to ensure compliance.

C. Initiation and Purpose of Inquiry

If an inquiry is warranted based on the preliminary assessment, the RIO shall:

- i. Appoint three faculty members to serve on an Inquiry Panel who have the necessary expertise to provide a reasonable opinion on the matter;
- ii. Obtain and secure the relevant research records;
- iii. Notify the complainant, the respondent (the individual against whom the allegation is directed), the general counsel, and the director of the Office of Sponsored Programs (for cases involving externally funded research); and
- iv. Provide the respondent with a copy of the allegations and this policy.

Any inquiry must take place in a timely, objective, and thorough manner. The purpose of an inquiry is to conduct an initial review of the evidence to determine whether a formal investigation is warranted. The inquiry does not require a full review of the evidence related to the allegations.

The notification of the impending inquiry to the complainant and respondent must be made in writing and should describe the nature of the misconduct allegations and identify the membership of the Inquiry Panel.

Confidentiality. The provost shall establish reasonable conditions to ensure that confidentiality of information compiled for the inquiry is maintained. This includes information about the complainant, the respondent, and other affected individuals. The provost shall keep original research records in a secure place. Upon request, and to the extent feasible, the persons from whom records are collected may be given access to their own original records under the direct and continuous supervision of the RIO.

Conflicts of interest. Reasonable precautions will be taken to avoid bias and real or apparent conflicts of interest on the part of those conducting the inquiry. Members of the Inquiry Panel (or any members of his or her family) and the RIO should not have any of the following involvements with the respondent nor the complainant: financial involvement, co-authorship on a publication; collaborator or co-investigator; party to a scientific controversy; supervisory or mentor relationship; or other special relationship such as a close personal friendship, kinship, or a physician/patient relationship. In some cases, an expert external to the College may be consulted during the inquiry. Upon receiving the membership list for the Inquiry Panel, both the complainant and the respondent shall have five calendar days to challenge the composition of the membership. In response, the RIO will decide whether the challenged member(s) should be replaced.

Completion of the inquiry. The inquiry must be completed within 60 calendar days of the appointment of the panel unless circumstances warrant an extension. All extensions

must be approved by the provost and documented. Upon completion of the inquiry, the RIO will submit a written report to the provost (who will serve as the Deciding Official, DO) which includes the following:

- i. The name and position of the respondent;
- ii. A description of the allegations of research misconduct;
- iii. A description of any external support for the research giving rise to the allegations, including, for example, grant and contract numbers and references to grant applications;
- iv. References for any publications involving the research in question;
- v. Any comments on the report by the respondent, the complainant, or a witness; and
- vi. A recommendation to the DO as to whether an investigation is warranted, and a statement of the basis for this recommendation.

All records (documentary evidence, interview notes, inquiry report, etc.) of the research misconduct inquiry will be retained for seven years.

D. Notification to Federal Government

The College must immediately notify the Office of the Inspector General (OIG) when federal sponsors have supported the research in question, if:

- i. There is an immediate health hazard involved;
- ii. There is an immediate need to protect federal funds or equipment;
- iii. There is an immediate need to protect the interests of the complainant or respondent as well as his/her co-investigators and associates, if any;
- iv. It is probable that the alleged incident is going to be reported publicly;
- v. The allegation involves an issue that could be publicly sensitive, e.g., a clinical trial; or
- vi. There is a reasonable indication of a possible federal criminal violation. In this instance, the College should inform the federal government within 24 hours of obtaining that information.

E. The DO's Decision on the Inquiry Panel's Recommendation

Within 10 days, the Deciding Official (DO) shall notify the respondent, the complainant, and appropriate College officials in writing of his or her decision whether to proceed to a formal investigation. The notice to the respondent must include a copy of the inquiry report. For cases of federally funded research, the provost shall also provide notice to federal authorities concerning the inquiry and the decision whether an investigation is warranted (CFR, Vol. 42, Sec. 93.309).

If an investigation is not warranted, the respondent may meet with the provost to ensure that the College takes the necessary steps to restore the respondent's reputation.

F. Appointment of the Investigation Committee and Charge

Within 15 calendar days after the DO determines that an investigation is warranted, the RIO will appoint an investigation committee to explore the allegations in detail, to examine the evidence in depth, and to determine specifically whether research misconduct has been committed. The committee shall consist of at least three faculty or staff who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the investigation. Committee members may be scientists, administrators, subject matter experts, lawyers, or other qualified persons. External experts may also be invited to participate on the committee or serve as consultants if appropriate. One of the members shall serve as chair.

The RIO will inform the respondent of the composition of the Investigation Committee membership. The respondent will have five calendar days to challenge the membership based on conflict of interest or bias. The RIO will determine whether a challenged member should be replaced.

G. Procedure for Conducting the Investigation

The investigation committee and the RIO must do the following:

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent possible;
- Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation to completion; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation and continue the investigation to completion. If during the investigation additional instances of research misconduct are uncovered, they should be immediately reported to the DO.

H. Completion of Cases

The investigation must be completed within 120 calendar days (or 180 calendar days for NSF grants), with a final report prepared and submitted to the DO. In cases involving federal funding, an extension of the investigation beyond 120 days (or 180 calendar days for NSF grants) must be approved by the relevant federal agency. The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent has the opportunity to comment on the report. The respondent will be allowed 30 calendar days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments will be included and considered in the final report. The final report is submitted by the RIO to the DO within 10 calendar days of receiving the respondent's comments; if an extension is necessary, the committee must seek approval from the DO.

The investigation report should include the following elements:

- Description of the nature of the allegation of research misconduct, including identification of the respondent;
- Description of the specific allegations of research misconduct considered in the investigation;
- List of institutional policies and procedures under which the investigation was conducted;
- An explanation of why the allegations meet the criteria indicating that the jurisdiction of the policies and procedures is appropriate.
- Identification and summary of research records and evidence reviewed and identification of any evidence taken into custody but not reviewed;
- A statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must:
 - 1) Identify the nature of the research misconduct and whether it was committed intentionally, knowingly, or recklessly;
 - 2) Summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by the respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion;
 - 3) Identify whether any publications need correction or retraction; and
 - 4) Identify the person(s) responsible for the misconduct.

I. The DO's Decision on the Investigation's Recommendation

Based on the investigation report and in consultation with the RIO, the DO will make a determination on appropriate actions to be taken. The institutional administrative actions may include the following:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found; and
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of procedures defined in the Faculty Statutes (Academic Due Process).

The DO will notify the respondent in writing within 10 calendar days after receiving the investigation report the outcome of the investigation and any actions that will be taken.

Requesting an appeal. The respondent may appeal in writing to the president within 10 calendar days of receiving the letter from the DO. If there is no appeal or the appeal was denied or if the appeal has been exhausted, the proceedings are considered concluded and the administrative actions will move forward.

Notifying the Office of the Inspector General (OIG). If the research under question was externally funded, the College will promptly present the investigation report and the DO's determination to the appropriate funder. For research supported by federal funds, the report finding should be forwarded to the Office of the Inspector General (OIG). The OIG

will assess the accuracy and completeness of the report and whether the investigating entity followed reasonable procedures (45 CFR 689.9).

Termination or Resignation Prior to Completion the Investigation. The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities. If the respondent refuses to participate in the process after resignation, the RIO and any investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

Protection of the Complainant, Witnesses, and Committee Members. Regardless of the outcome of the investigation, the RIO and the DO must undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps the DO approves.

Summary of steps after an allegation of research misconduct is submitted to the provost:

Procedures	Number of Calendar Days to Complete Action
Provost appoints a Research Integrity Officer (an appropriate dean) to lead the inquiry and investigation	15
Appointment of an Inquiry Panel to assess allegations (panel includes three faculty members to serve on the panel)	60
Initiate Inquiry and notify the Office of the Inspector General (for federally funded research)	
Inquiry Panel presents recommendation to the DO	
DO determines whether an investigation is warranted after receiving the inquiry report	10
Appointment of the Investigation Committee (committee includes 3 faculty/staff members and an external expert if appropriate) after determination that an investigation is warranted.	15
Investigation is conducted with a report presented to the DO <i>Note: Within the period of 120 calendar days (or 180 days for NSF grants), the RIO will forward the draft report to the respondent for comment. The respondent will have 30 calendar days to submit comments to the RIO. The comments will be included and considered in the final report submitted to the DO.</i>	120 180 (for NSF grants)
The DO makes a determination upon receiving the investigation report	10
Upon receiving the final investigation report and list of sanctions, the respondent may submit a written appeal to the president	10
Upon conclusion of the Investigation, the final written report is forwarded to the Office of Inspector General (for federally funded research)	Immediately