

Adelphi University
Policy and Procedures
For Responding to Allegations
Of Research Misconduct

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I. Introduction

A. General Policy

Adelphi University expects and demands the highest ethical standards in the conduct of research by its faculty, students and staff in all its sites and in collaboration with other educational institutions, agencies and organizations. While respecting the right of the researcher to full academic freedom in research, Adelphi is firmly committed to adhering to the basic ethical principles underlying the acceptable conduct of research involving human subjects, as set forth in “The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research.” The university has provided the Department of Health and Human Services’ Office for Human Research Protections (OHRP) a Federal-wide Assurance of compliance with the ethical principles and regulations governing research with human subjects. This Federal-wide Assurance is written documentation of our commitment to comply with local and federal laws and regulations governing human research.

B. Scope of this policy

The university relies on its faculty to maintain the highest principles of ethical conduct in research. The primary responsibility for maintaining integrity in research lies with those who perform it and supervise it. This statement of policy and procedures is intended to carry out Adelphi University’s responsibilities under the Public Health Service (PHS) Policies on Research Misconduct, 42 CFR Part 93.¹ Although incidents of research misconduct are rare, the university has the responsibility to investigate possible misconduct and to resolve cases fairly and quickly. Research misconduct is a serious breach of the rules of the university and the wider academic and research communities.

II. Definitions

A. Research Misconduct

Research misconduct is defined as fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, performing, or reviewing research, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is 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.

¹ Sections based on 42 CFR Part 93 have endnotes indicating the applicable section.

- Plagiarism is the appropriation of another person’s ideas, processes, or results, or works without giving appropriate credit.
- Serious deviation from accepted practices includes but is not limited to stealing, destroying, or damaging the research property of others with the intent to alter the research record; and directing or encouraging others to engage in fabrication, falsification or plagiarism. As defined here, it is limited to activity related to the proposing, performing, or reviewing of research, or in the reporting of research results and does not include misconduct that occurs in the research setting but that does not affect the integrity of the research record, such as misallocation of funds, sexual harassment, and discrimination, which are covered by other University policies.

Some forms of misconduct, such as failure to adhere to requirements for the protection of human subjects or to ensure the welfare of laboratory animals, are governed by specific federal regulations and are subject to the oversight of established university committees. However, violations involving failure to meet these requirements may also be covered under this policy or possibly by other university policies when so determined by the responsible committees or institutional officials.

Research misconduct does not include honest error or differences of opinion.

- B. “Complainant”** refers to the individual who alleges that scientific misconduct has occurred.
- C. “DHHS”** refers to the federal Department of Health and Human Services.
- D. “Inquiry”** means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- E. “Investigation”** means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.
- F. “ORI”** means the Office of Research Integrity, located in the Office of the Secretary of Health and Human Services; oversees the implementation of all Public Health Service policies and procedures related to scientific misconduct.
- G. “PHS”** means the Public Health Service, operating division of the United States Department of Health and Human Services (DHHS).
- H. “Respondent”** refers to the individual against whom an allegation of scientific misconduct has been made.

III. General Policies and Principles

Process and Procedures regarding the reporting of research misconduct

The university recognizes the need to protect the rights and reputations of all individuals, including those alleged to have engaged in misconduct and those who report the allegations. That being said, all Adelphi faculty, staff and students have the responsibility to report observed or suspected misconduct to the associate provost for faculty advancement and research. All parties to an inquiry have the obligation to maintain confidentiality throughout all phases of the report and inquiry. All parties also have the obligation to cooperate and provide necessary information and documentation. Making knowingly false accusations of misconduct violates university values and may result in the university taking actions against the accuser(s).

Procedures for Handling Alleged Research Misconduct

A. Preliminary Inquiry

Before filing a complaint of research misconduct, the individual(s) are encouraged to review the matter with the associate provost for faculty advancement and research. If the complainant wishes to proceed, a formal inquiry into research misconduct should be a written complaint filed with the associate provost for faculty development, current chair of the IRB and the administrative liaison to the IRB (currently the director of the office of research and sponsored programs.) All parties involved have the responsibility to protect the position and reputation of the complainant and any informants or other witnesses, and to protect these individuals from retaliation, so long as their allegations were made in good faith. At this point, the associate provost for faculty advancement and research will review the allegations to determine credibility, specificity and if the allegations meet the definition of research misconduct. This process should be completed in a one week time period.

If the decision is that the complaint does not meet the definition of research misconduct, then the associate provost will notify the complainant who will sign a statement agreeing to withdraw the allegations.

If the decision is to move forward with the allegations and a properly documented complaint has been logged, then the associate provost will inform the respondent of the nature of the charges, making every effort to avoid identifying the complainant or any informant. The respondent and the complainant shall be informed of his/her rights and obligations by reference to this and other relevant university procedures.

The associate provost in consultation with the IRB chair and director of ORSP will review all documents, data and other materials relevant to the allegations. The respondent is obligated to cooperate fully in all such efforts. The materials will be copied and the copies provided to the respondent. The originals will be retained in the office of research and sponsored programs. Every effort will be made to minimize disruption to the respondent's research during this and

subsequent phases of the inquiry. However, the respondent should not initiate any new research and the IRB should be notified that he/she is not to submit new protocols.

The associate provost will make the decision whether allegations are sufficient to convene a preliminary inquiry committee. If a committee is appointed, it should consist of at least three faculty members, none of whom is a member of the same department as, or a collaborator with, or has a conflict of interest with the complainant or respondent and the chair of the IRB. The appointment of the preliminary inquiry committee will ordinarily be completed within two weeks of the decision to move forward with the process of investigation.

The preliminary inquiry committee will gather information and determine whether the allegation warrants a formal investigation. The committee will then submit a written report of its findings to the associate provost for faculty advancement and research. The report should state the committee's recommendation, which will be decided by simple majority of the committee; any dissenting opinion will be noted. This report will ordinarily be submitted within thirty calendar days. The associate provost will send the report to the respondent who will be given the opportunity to make a written reply to the report within fifteen calendar days after receipt of the report. Such reply will be incorporated by the associate provost as an appendix to the report. The entire inquiry process should be completed within forty-five calendar days of the receipt of a properly documented complaint unless circumstances clearly warrant a delay. In such cases the record of inquiry will detail reasons for the delay.

If the report of the preliminary inquiry committee finds that a formal investigation is not warranted, the associate provost may: (i) halt the investigation, (ii) not initiate a formal investigation, but take such other action as the circumstances warrant, or (iii) decide that a formal investigation is warranted and override the committee's decision. The associate provost will inform the concerned parties of the decision. The associate provost will notify the complainant and respondent that the case will not be proceeding further. In the event that a formal investigation is not initiated, the associate provost will, as appropriate, use diligent efforts to restore the reputation of the respondent and to protect the position and reputation of the complainant unless the complaint was found not to be made in good faith.

If the report of the preliminary inquiry committee finds that a formal investigation is warranted, or the associate provost decides the matter should be pursued through a formal investigation, the associate provost will initiate a formal investigation informing the appropriate university committees and officials, the chair of the IRB, the provost and if warranted, university legal counsel; if external funding is supporting the research, that source will be notified in writing, as well as the Office of Research Integrity, that a formal investigation has been initiated and will identify the respondent to the agency or source.

What Constitutes Findings of Research Misconduct

A finding of research misconduct requires that:

- There be a significant departure from accepted practices of the relevant research community; and
- The misconduct be committed intentionally, or knowingly, or recklessly; and
- The allegation be proven by a preponderance of evidence.

Formal Investigation

To initiate a formal investigation, the provost will appoint a formal investigation committee of not less than three individuals, none of whom has been a member of the preliminary inquiry committee. A majority of the formal investigation committee must be members of the standing faculty, and members of the administration to include the associate provost, the chair of the IRB and the director of ORSP. One of the appointed members will be designated chair of the committee by the associate provost. The formal investigation will be initiated by the committee as soon as possible and usually within thirty calendar days after the report of the preliminary inquiry committee has been received by the associate provost.

The formal investigation committee will undertake a thorough examination of the allegations, including a review of all relevant research data and proposals, publications, correspondence, and records of communication in any form. Experts within or outside the university may be consulted. Whenever possible, interviews will be conducted with the complainant and respondent, as well as with others having information regarding the allegations. Summaries of the interviews will be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. When appearing before the committee the respondent and the complainant may each be accompanied by an adviser, who may be a lawyer but who may not participate directly in the proceedings except when and as requested to do so by the committee.

Draft report of the findings: Following development of the initial factual record, the formal investigation committee will prepare and provide a written draft report of its proposed findings to the respondent, to the complainant, the provost and the IRB administrator (director of ORSP).

Hearing: If the respondent contests any material finding of fact made by the committee in the draft report, he/she may request a hearing before the committee. The request must be made to the committee in writing within fifteen calendar days following receipt of the draft report. Upon receipt of such a request, the committee will promptly schedule a hearing. The committee will have full authority to determine all matters concerning the conduct of the hearing, including the number of witnesses, the amount of time allocated for questioning each witness, and the duration of the hearing. The committee may require that it pose questions on behalf of the respondent.

Final report of the findings: Following completion of the hearing, if any, the committee will submit a written final report to the dean of the school where researcher is located, to the provost, the complainant, the respondent, ORI, the chair of the IRB and the director of ORSP. The committee will state that it finds the charge(s) made by the complainant or otherwise emerging during the course of its proceedings to be unsubstantiated or substantiated by a preponderance of evidence. For each charge considered, the vote of a majority of the committee will constitute the decision of the committee. If the vote is not unanimous, a statement of any dissenting opinion will be included in the report. The final report will ordinarily be submitted within ninety days of the appointment of the formal investigation committee. The respondent and complainant will each be permitted to make a written reply within fifteen calendar days of submission of the report. The committee will respond in writing to any replies from the respondent or complainant within seven calendar days. All such responses and replies will be incorporated as appendices to the report of the formal investigation committee.

Adjudication

Upon acceptance of the report by the provost, the provost will report the outcome of the investigation to the Chair of the Faculty Senate and the appropriate government agency or source funding the research. The entire formal investigation process should be completed within 120 calendar days of its initiation, unless circumstances clearly warrant a delay as determined in consultation with the provost. In such cases the reasons for a delay will be documented.

If the final report of the formal investigation committee finds the charges to be unsubstantiated, the Misconduct in Research procedure will be terminated and the concerned parties will be informed. The dean, the associate provost and the provost have the responsibility to take an active role to repair any damage done to the reputation of the respondent or the complainant (provided the complainant acted in good faith), and to take appropriate action should they determine that the accusation was knowingly or recklessly false.

If the report of the formal investigation committee finds the charges against a faculty member to be substantiated, the dean in consultation with the Provost will take whatever actions are appropriate to the level of intent of the misconduct, the consequences of the behavior, and other aggravating and mitigating factors in accordance with university procedures and which consider the previous record of the respondent.

Appeals Process

If the respondent does not agree with the decision of the committee, the respondent may make an appeal in writing to the president of the university within 7 days of receipt of the decision. The president shall review the decision of the formal investigation committee and make a decision to its appropriateness. The president's decision in this matter shall be final. Appeals are restricted to the body of evidence already presented, and the grounds of appeal are limited to failure to follow appropriate procedures in the Investigation and arbitrary and capricious decision making.

Additional Considerations

Although stated throughout this document, the following are so important they are listed in outline form below

Reputation

The university will be diligent in its efforts to protect and restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed, and those of the persons who, in good faith, make allegations.

Obligation to Cooperate

All parties to an Inquiry or Investigation have the obligation to cooperate and furnish all requested information. The making of false accusations violates acceptable norms of behavior for members of the university community and will be reported to the associate provost for faculty advancement and research.

Modifications

It is impossible to develop a policy and procedure that will govern or control every situation. This policy and procedure is unilaterally created by the university and may be changed at the university's discretion at any time to better comply with other governmental requirements governing the handling and reporting of misconduct.