

AOP 2-29-12-01 (Revised 5/7/2013)
RESEARCH MISCONDUCT POLICY AND PROCEDURES

1 INTRODUCTION

1.1 General Policy

Research is an integral part of Troy University's mission. All TROY faculty, staff and students must maintain high professional and ethical standards in all research activities. It is also the responsibility of all TROY faculty, staff and students to report reasonable suspicions of research misconduct. Every allegation of research misconduct will be investigated through the procedures set forth in this document.

1.2 Scope

This policy is based on the Public Health Service (PHS) Policies on Research Misconduct ([42 C.F.R. 93](#)) as well as guidelines from professional associations such as the American Psychological Association. This policy applies to all TROY faculty, staff, or students who are directly affiliated with TROY during the period in which research is conducted. "Faculty" is defined as any individual, whether full-time or adjunct, teaching at least one class for TROY during the research period. A person is considered a TROY student if they are enrolled in at least one class during the study period.

1.3 Definitions

- (a) *Research Misconduct* is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does NOT include honest error or differences of opinion.
- (b) *Fabrication* is making up data or results and recording or reporting them.
- (c) *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.
- (d) *Falsification or fabrication* of a researcher's credentials or publication list in any grant application or official university document is considered research misconduct.
- (e) *Plagiarism* is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- (f) *A Finding of Research Misconduct* can occur only if ALL of the following conditions are met:
 - There was a significant departure from accepted practices of the relevant research community; and
 - The misconduct was committed intentionally, knowingly, or recklessly; and
 - The allegation is proven by a preponderance of the evidence.
- (g) *Complainant* means a person who makes an allegation of research misconduct.

(h) *Respondent* means the person against whom an allegation of research misconduct is directed or who is the subject of a “research misconduct” proceeding.

1.4 Statute of Limitations

Only research conducted within six years of the allegation of research misconduct will be investigated, unless one or more of the following conditions is present:

- *Subsequent use exception.* The respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the citation, republication or other use for the potential benefit of the respondent of the research record that is alleged to have been fabricated, falsified, or plagiarized.
- *Health or safety of the public exception.* If the Federal Office of Research Integrity [ORI] or the institution, following consultation with ORI, determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public.

1.5 Confidentiality of Respondents, Complainants and Research Subjects

The confidentiality of the respondents’ and complainants’ identities will be protected to the maximum extent possible. Identities will be given only to those who need to know in order to conduct a thorough, competent, objective and fair Investigation and hearing. Similarly, all involved in the Investigation and hearing must maintain the confidentiality of research subjects who are identified through records and other evidence.

2 Procedures for Managing Reports of Research Misconduct

2.1 Overview of process

The Research Integrity Officer (RIO) receives an allegation of research misconduct (TROY’s Human Protection Administrator serves as the RIO). The RIO conducts a pre-Inquiry to determine whether there is need for a full Inquiry. If it is determined during the pre-Inquiry stage that the conduct was a result of ignorance or honest error, an Inquiry will not be conducted and no report will be prepared.

If the allegation of research misconduct appears to be founded, a Responsible Conduct of Research (RCR) Committee is formed and they conduct a preliminary Inquiry. If the results of the Inquiry show that an Investigation is warranted, the RCR shall conduct one and shall write an Investigative report summarizing their findings.

A *Finding of Research Misconduct* report shall be prepared only if ALL three of the conditions provided in section 1.3 Definitions are met. This report will be given to the Senior Vice Chancellor for Academic Affairs who will decide whether to accept the findings and, if so, which administrative actions will be taken with respect to the respondent.

2.2 Pre-Inquiry procedures

- (a) If TROY faculty, staff or students acting in good faith have a reasonable suspicion of research misconduct then they must report their suspicions in writing to the Research Integrity Officer (RIO) (TROY's Human Protection Administrator serves as the RIO). This report must include the complainant's name, contact information and as much detail as the complainant can provide concerning the situation. Anonymous reports will be considered only if sufficient evidence is supplied to warrant an Inquiry. However, anyone who has questions about what constitutes research misconduct, including whether a hypothetical situation may be considered misconduct may ask for an informal meeting with the RIO. This informal meeting may be conducted in person or by phone, and the questioner may remain anonymous.
- (b) The RIO will, within 10 working days of receiving the accusation, determine if the facts of the accusation are substantive enough to warrant an Inquiry. In doing so, the RIO will determine if the allegation falls within the definition of research misconduct; and is sufficiently credible and specific so that potential evidence of research misconduct may be identified.
- (c) If the RIO determines that an Inquiry is warranted then the RIO will notify the presumed respondent, their immediate supervisor, the Senior Vice Chancellor for Academic Affairs and all applicable federal/state/private funding agencies in writing before the Inquiry begins.
- (d) If the RIO determines that an Inquiry is not warranted then the RIO will notify the complainant. All files will be destroyed.

2.3 Inquiry procedures

- (a) The Senior Vice Chancellor for Academic Affairs will appoint an ad-hoc RCR committee of at least three members other than the RIO to conduct the Inquiry and subsequent Investigation, if needed. The RIO will serve as the Chair of the committee. The committee members will be selected from the TROY administrators, faculty, staff and/or students who received RCR training within the previous three years. Care will be taken to ensure that all individuals responsible for carrying out any part of the research misconduct proceeding do not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses;
- (b) The RIO will stress to the RCR committee and to anyone contacted during the Inquiry of the importance of maintaining strict confidentiality concerning the allegations and the identity of the respondent. Any intentional breach of this confidentiality will be reported to the Senior Vice Chancellor for Academic Affairs and may result in disciplinary action.
- (c) The RIO and the Senior Vice Chancellor for Academic Affairs will take all reasonable and practical efforts to protect or restore the position and reputation of any complainant, witness, or committee member and to counter potential or actual retaliation against these complainants, witnesses, and RCR committee members. Any acts of retaliation will be reported to the Senior Vice Chancellor for Academic Affairs and may result in disciplinary action.

- (d) The RIO will take reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, including the following:
- a. Inventory the records and evidence
 - b. Sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments so long as those copies are substantially equivalent to the evidentiary value of the instruments
 - c. Where appropriate, give the respondent copies of, or reasonable, supervised access to the research records
 - d. Undertake all reasonable and practical efforts to take custody of additional research records or evidence that is discovered during the course of a research misconduct proceeding, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.
- (e) The RCR committee will conduct an initial review of the evidence to determine whether the allegation may have substance. The Inquiry will be completed within 60 calendar days of the beginning of the Inquiry, and the RIO will summarize the findings in an Inquiry report.
- (f) The Inquiry report will contain the following information:
- The name and position of the respondent;
 - A description of the allegations of research misconduct;
 - Information on funding support and publications related to the alleged misconduct; and
 - If it is determined that an Investigation is warranted, the basis for this recommendation; or
 - Explanation of any decisions to not investigate. Documentation on decisions to not investigate will be kept for 7 years after the end of the Inquiry.
- (g) The RIO will send written notice to the respondent concerning whether the Inquiry found that an Investigation is warranted. The notice will include a copy of the Inquiry report and will refer the respondent to *Part 93--Public Health Service Policies On Research Misconduct* and this policy and procedures document. Any comments on the report by the respondent will be included in the final report.
- (h) The RIO will send written notice to the complainant concerning whether the Inquiry found that an Investigation is warranted. This notice will include relevant portions of the report for comment. Any comments on the report by the complainant will be included in the final report.
- (i) If no finding of research misconduct is found, the RIO and the Senior Vice Chancellor for Academic Affairs will take all reasonable and practical efforts to protect or restore the reputation of the respondent.

2.4 Investigation procedures

- (a) If the results of the Inquiry show that an Investigation is warranted, one shall commence within 30 days of this finding.
- (b) The RIO will notify the respondent, their immediate supervisor, the Senior Vice Chancellor for Academic Affairs, and all applicable federal/state/private funding agencies in writing before the Investigation begins. Copies of the Inquiry report will be included.
- (c) The Senior Vice Chancellor for Academic Affairs will take appropriate actions to protect public health, federal/state/private funding agencies' funds and equipment, and the integrity of any grant-supported research process and will report such actions to appropriate funding and federal agencies.
- (d) The RIO and the RCR committee will take reasonable steps to ensure an impartial and unbiased Investigation to the maximum extent practicable, including inviting the participation of persons with appropriate scientific expertise who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the Investigation.
- (e) The RIO and the RCR committee will 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. They will 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.
- (f) The RIO and the RCR committee will diligently pursue all significant issues and leads discovered that are determined relevant to the Investigation, including any evidence of additional instances of possible research misconduct, and continue the Investigation to completion.
- (g) The RIO will 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 the allegations.
- (h) The RCR committee will review the evidence to determine whether research misconduct has occurred. The Investigation will be completed within 120 calendar days of the beginning of the Investigation, and the RIO will summarize the findings in an Investigation report.
- (i) The Investigation report will be in writing and will contain the following information:
 - A description of the general nature of the allegation of misconduct;
 - Information on funding support and publications related to the alleged misconduct;
 - A description of the specific allegations of research misconduct for consideration in the Investigation;
 - Identification and summary of the research records and evidence reviewed, and identification of any evidence taken into custody but not reviewed;

- For each separate allegation of research misconduct identified during the Investigation, a finding as to whether research misconduct did or did not occur, and if so, the following:
 - Identification of whether the research misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard;
 - A summary of the facts and the analysis which support the conclusion along with a consideration of the merits of any reasonable explanation by the respondent;
 - Specific identification of funding support;
 - Identification of any publications that need correction or retraction;
 - Identification of the person(s) responsible for the misconduct;
 - List any current support or known applications or proposals for support that the respondent has pending with federal/state/private funding agencies.

- (j) The RIO will send a draft of the Investigation report to the respondent and the complainant and ask for comments. The respondent and complainant will have 30 days in which to submit comments. Any comments on the report by the respondent or the complainant will be included in the final report.

- (k) The final Investigative report will be given to the Senior Vice Chancellor for Academic Affairs for institutional action. The Senior Vice Chancellor for Academic Affairs will write a report of institutional actions that contains the following:
 - A statement of whether the institution found research misconduct, and if so, who committed the misconduct.
 - A statement of whether the institution accepts the Investigation's findings.
 - A description of any pending or completed administrative actions against the respondent.

- (l) The final report and the report of institutional actions must be completed and sent to appropriate federal/state/private funding agencies within 120 days of the beginning of the Investigation.

- (m) Journals and other venues that published research articles based on the data affected by the research misconduct will be contacted concerning the need for retraction.

2.5 Premature closure of Inquiry or Investigation

TROY will notify the appropriate federal/state/private funding agencies prior to the RIO closing an inquiry or investigation prior to the conclusion of the case. The RIO may decide to close a case at the Inquiry, Investigation, or Appeal stage for the following reasons:

- the respondent has admitted guilt and a report is filed; OR
- a settlement with the respondent has been reached and a report is filed.

3 SPECIAL CIRCUMSTANCES

At any time during a research misconduct proceeding, TROY will notify the appropriate federal/state/private funding agencies immediately if it has reason to believe that any of the following conditions exist:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
- The funding agency's resources or interests are threatened.
- Research activities should be suspended.
- There is reasonable indication of possible violations of civil or criminal law.
- Federal action is required to protect the interests of those involved in the research misconduct proceeding.
- The research institution believes the research misconduct proceeding may be made public prematurely so that the appropriate federal/state/private funding agencies may take appropriate steps to safeguard evidence and protect the rights of those involved.
- The research community or public should be informed.

4 RECORD HANDLING AND RETENTION

TROY shall maintain records of research misconduct proceedings in a secure manner for 7 years after completion of the proceeding. Records that will be maintained include the following:

- All records obtained for the Pre-inquiry procedures, the Inquiry and the Investigation except to the extent the institution subsequently determines and documents that those records are not relevant to the proceeding or that the records duplicate other records that are being retained.
- The documentation of the determination of irrelevant or duplicate records.
- The Inquiry report and final documents (not drafts) produced in the course of preparing that report, including the documentation of any decision not to investigate.
- The Investigation report and all records (other than drafts of the report) in support of that report, including the recordings or transcriptions of each interview.
- The complete record of any institutional appeal.

5 ETHICAL USE OF RESEARCH INSTRUMENTS

TROY researchers are required to obtain permission to use research instruments that have been created by others, whether they are "published" or "non-published."

- "Published" instruments are those tests and measures that are owned by a test publisher. Researchers must contact the publisher for information on purchasing the instruments and scoring procedures.
- "Non-published" instruments are those tests and measures that are not available for purchase through a publisher. Researchers must contact the author and receive written permission to use the instrument. If the author cannot be located and the instrument was contained in a journal article, the researcher must contact the journal for permission to use the instrument.
- If the researcher intends to modify the research instrument, s/he must obtain permission to use the instrument with the modifications.

6 REFERENCES

American Psychological Association (2011). *FAQ/Finding Information About Psychological Tests*. Retrieved November 14, 2011, from <http://www.apa.org/science/programs/testing/find-tests.aspx>.

[Public Health Service \(PHS\) Policies on Research Misconduct, 42 C.F.R. pt. 93 \(2005\)](#).

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