



## NORFOLK STATE UNIVERSITY RESEARCH MISCONDUCT

**Policy Title:** Norfolk State University Research Misconduct

**Policy Type:** Administrative

**Policy Number:** 38-04 (2014)

**Approval Date:** 08/26/2014

**Responsible Office:** Sponsored Programs

**Responsible Executive:** Provost and Vice President for Academic Affairs

**Applies to:** Full-time instructional, administrative/professional faculty and staff

### POLICY STATEMENT

The faculty of Norfolk State University, in cooperation with the administration, have developed policies and procedures to prevent, identify, and respond to misconduct in research. Research Misconduct is defined as:

- fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting results from research;
- material failure to comply with Federal requirements for protection of researchers, human subjects, or the public or for ensuring the welfare of laboratory animals;
- use of research funds for indirect or immediate personal gains except for usual salary and expenses approved in the budget,
- failure to meet other material legal requirements of research;
- failure to comply with established standards regarding author names on publications;
- stealing, destroying, or damaging the research property of others with the intent to alter the research record; and
- directing, encouraging, or knowingly allowing others to engage in fabrication, falsification, or plagiarism.

It shall be the duty of any project investigator to avoid any type of misconduct and any appearance of misconduct. Anticipated situations that could be misinterpreted as misconduct must be clearly articulated to Sponsored Programs and the funding agency. The fundamental responsibilities of the Standing Committee are:

- To promote exemplary ethical standards of research conduct,

- To publicize the procedures for reporting research misconduct,
- To receive allegations of misconduct,
- To ensure thorough, fair and expeditious proceedings for the evaluation of allegations, and
- To recommend possible disciplinary action, policy changes or other actions to ensure that similar misconduct does not occur in the future.

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## **DEFINITIONS**

**Allegation:** refers to any written or oral statement or other indication of possible research misconduct made to an institutional official, including department chairs, deans, and the Provost.

**Complainant:** refers to an individual(s) who submits an allegation of research misconduct.

**Conflict of interest and commitment:** refers to a divergence between a faculty member’s interests and his/her professional obligations to Norfolk State University, such that an independent observer might reasonably question whether the faculty member's professional actions or decisions are determined by considerations other than the best interests of NSU.

**Good faith allegation:** refers to an allegation made with the honest belief that research misconduct may have occurred. An allegation is not in good faith if it is made in reckless disregard for or willful ignorance of facts that would disprove the allegation.

**Inquiry:** refers to the initial process for determining whether an allegation or apparent instance of research misconduct has substance and warrants an investigation.

**Investigation:** refers to the formal examination and evaluation of all relevant facts to determine, based on a preponderance of evidence, whether research misconduct has occurred and, if so, to determine the responsible person and the nature and seriousness of the research misconduct.

**Investigator:** refers to any individual, including but not limited to any person holding an academic or professional staff appointment at NSU, who is engaged in the design, conduct or reporting of research.

## CONTACS

Sponsored Programs officially interprets this policy. Sponsored Programs is responsible for obtaining approval for any revisions as required by BOV Policy # 01 (2014) *Creating and Maintaining Policies* <https://www.nsu.edu/Assets/websites/policy-library/policies/01/BOV-Policy-01-Creating-and-Maintaining-Policies.pdf> through the appropriate governance structures. Questions regarding this policy should be directed to Sponsored Programs.

**STAKEHOLDERS:** Faculty/Staff and Administrators

## **NORFOLK STATE UNIVERSITY RESEARCH MISCONDUCT: POLICY CONTENTS** **Standing Committee on Research Misconduct**

### **A. Composition**

The committee shall include:

1. one member from each college/school appointed by the Dean,
2. a representative of the Faculty Senate,
3. a staff member (classified employee) appointed by the Human Resource Director,
4. a student member appointed by the Student Government,
5. Director, Sponsored Programs, and
6. the Dean of the School of Graduate Studies and Research

The Committee shall appoint its own chair, not the Dean of the School of Graduate Studies and Research (Dean, SGSR), and recorder. The Dean, SGSR shall seek appointments to the committee. The members of the committee shall serve on the committee in three year terms. In no case shall a member serve more than six consecutive years. The classes shall be in as equal number as possible. Initially the terms of service will be staggered.

The Dean, SGSR shall be responsible for notifying the Standing Committee of any requirements of funding organizations concerning research misconduct; communication with such agencies as required by agency guidelines; and acting as liaison between the Standing Committee and the appropriate University official if that official is required to communicate with the funding agency on research matters.

All members of the Standing Committee and support staff must agree to full confidentiality of any committee proceedings.

### **B. Meeting Schedule, Voting Procedures, Conflicts of Interest**

The Committee shall meet at least twice each academic year: During the fall and spring semesters. Additional meetings shall be called by the Chair as necessary, with attention paid to the timetable in a misconduct procedure.

A meeting quorum shall be a simple majority of the membership. A voting quorum shall be the vote of the majority of the members present and voting.

Members are expected to reveal any actual or potential conflicts of interest to the Committee including knowledge of or involvement in the incidents in the allegations or close personal, profession or financial relationship with the respondent or complainant. The Chair of the Committee may also disqualify any member determined by the Committee to have an actual conflict of interest. Any member who withdraws or is disqualified shall take no part in any proceedings including being an observer; however he or she may be called as a witness.

If the Chair, Committee, or Dean, SGSR feels that the number of members who haven't been disqualified or withdrawn are too few to adequately carry on the process of handling an inquiry and investigation, the Dean, SGSR will contact the appropriate appointing authorities for interim replacements.

### **C. Counsel and Amendments**

The Committee may choose to seek the advice and assistance from the University's counsel.

The Rules and Procedures of the Committee may be amended by a two-thirds vote of all of its members. All amendments will be published to University personnel.

### **Education of the Academic Community**

Deans, directors, chairs, and research advisors shall be reminded annually of the policy on research misconduct and their responsibility to inform all faculty, students, and staff of the need for integrity in research performance and the role of the Committee in considering allegations of research misconduct.

### **Allegations, Inquiries, and Investigations**

#### **Allegations**

All persons having knowledge of misconduct in research or having reason to believe that such misconduct may have occurred are encourage to submit allegations to the Chair. The Chair shall:

1. Decide whether the allegations fall within the purview of the Standing Committee. The Chair may use the University counsel in making the decision.
2. Convene the Committee to consider allegations within the Committee's purview.
3. Report to the Committee the receipt of allegations outside the purview of the Committee and the decision not to pursue them.

All allegations must be in writing. Either signed or unsigned allegations shall be accepted. If unsigned allegations are forwarded by a funding agency, the agency shall be regarded as the complainant for reporting purposes.

## **Inquiry**

A subcommittee appointed from the Standing Committee by the Dean, SGSR shall conduct an inquiry to determine whether any or all the allegations warrant a full investigation. The inquiry is a fact-finding non-adversarial proceeding to determine whether sufficient credible evidence exists in support of any one or more allegations to warrant a full investigation. Sources of information shall include interviews or written statements, physical exhibits, and documents. The inquiry committee shall request confidentiality from all participants in the inquiry. Each interested party shall be interviewed separately. Any party being interviewed may have an advisor present. The advisors may assist in the presentation of information but may not speak for the interviewees or conduct cross-examinations. Informal written notes will constitute the records for the proceedings. Allegations judged to have been made without reasonable basis in fact and with malicious intent shall be reported promptly by the Standing Committee to the appropriate Dean or Vice President.

The work of the Inquiry Committee shall be completed within 60 calendar days unless a longer period is clearly warranted. If the Standing Committee feels that the allegations are ongoing and may cause sufficient harm if not acted upon as soon as possible, the Committee may require a shorter investigation period.

The Inquiry Committee shall determine when its work is complete. The Standing Committee shall decide whether to accept or reject the Inquiry Committee's recommendations. If the Standing Committee accepts the recommendations to terminate the consideration of the allegations, it shall notify the complainant and respondent in writing about the nature of the allegations and generate a written report with all other documents, which can be retained by the Standing Committee for three full years. If the Standing Committee accepts the recommendations of the Inquiry Committee, the Standing Committee shall inform the complainant and respondent of the nature of the allegations that will be investigated by the Committee. The respondent shall be requested to provide the Standing Committee with a written response to the allegations to be pursued within 14 calendar days. The Dean, SGSR shall notify the relevant funding agencies concerning the nature of the allegations and of the recommendations of the Standing Committee, if the Inquiry Committee has recommended continuing or pursuing an investigation.

The Standing Committee shall make recommendations to the appropriate University official regarding steps to be taken to prevent retaliation against the complainant or other persons providing information in the investigation and to restore the positions and reputations of persons who have made allegations in good faith. Any allegation judged to have been made without reasonable basis in fact and with malicious intent shall be reported to the appropriate University official.

## **Investigation**

In consultation with the appropriate University officials, the Standing Committee shall appoint an Investigating Committee whose members may be selected from inside or outside the University, excluding members of the Standing Committee. Attention in selection should be paid to avoiding conflicts of interest and including appropriate research expertise within the Committee to evaluate the allegations. The Standing Committee shall consult with the respondent and complainant to

ensure that the members of the Investigating Committee do not have a bias or conflict of interest in considering the case. The Standing Committee may replace such members.

The Investigating Committee will have between three and five members including a Chair named by the Standing Committee. The investigation shall be initiated within 30 calendar days of the completion of the inquiry. The Investigating Committee shall reach a decision as to whether misconduct did occur and shall report its findings to the Standing Committee within 120 calendar days of the initiation of the investigation unless a longer period is clearly warranted. If the alleged misconduct is ongoing and affects the wellbeing and/or financial status of persons at the University or of the University itself, then the Investigating Committee may reduce the time limits, above.

The investigation shall proceed in a manner similar to the inquiry including all the rights and protections of the respondent and complainant. The investigation shall consist of review of the evidence presented in the inquiry and consideration of any additional evidence obtained from witnesses, physical exhibits, documents, and other sources. The investigation may include examination of documentation such as relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. The investigation may include discovery and evaluation of information pertaining to research practices that may justify broadening the scope of the investigation beyond the initial allegations. All proceedings of the Investigating Committee shall be tape-recorded. The deliberations of the Investigating Committee shall not be tape-recorded.

The Investigating Committee shall determine the extent or limitations of the examination of evidence. If the Committee broadens the scope of the investigation beyond that of the initial allegations, it shall notify the respondent of the new areas being studied and allow the respondent to supply additional information. The respondent and his or her advisor may be present during the interviewing of witnesses; however, neither the respondent nor the advisor may question the witnesses. The Committee shall control the proceeding and limit the presentation of irrelevant or repetitious evidence. Any party appearing before the Committee may have an advisor present, who may assist the party but may not speak on the party's behalf.

The Investigating Committee will inform the Standing Committee on the progress of the investigation at no more than 30 day intervals.

### **Findings and Disposition by the Investigating Committee**

The Committee, when it considers that its task has been completed, shall determine by recorded simple majority vote whether the allegations of misconduct are supported by the preponderance of evidence.

The Committee shall reach one of the following decisions:

- a finding of misconduct
- a finding of no culpable conduct, but serious research error
- a finding of no misconduct and no serious research error.

The Committee shall submit a written report to the Standing Committee that addresses the following specific issues:

- Whether, in its judgment, misconduct did take place.
- If misconduct did take place, (a) whether the misconduct was deliberate or merely careless; (b) whether the misconduct was an isolated event or part of a pattern; (c) an assessment of the seriousness of the misconduct.
- If misconduct did not take place, whether the committee finds that the allegations have been made without reasonable basis in fact and with malicious intent.

The Committee shall include a detailed explanation of the Investigating Committee's decisions.

If the Standing Committee accepts the report, it shall order the Investigating Committee to disband.

### **Disposition by the Standing Committee**

The Committee will notify the complainant and respondent of the Investigating Committee's findings. The respondent shall be provided with the final report of the investigating committee. The Committee shall invite responses to the final report and/or findings of the Investigating Committee from the respondent and Complainant. The responses must be received within 14 calendar days. The responses shall become a part of the permanent record. Such responses do not constitute an appeal.

The Committee shall notify the appropriate University official of the Investigating Committee's findings and provide him or her with the Committee's recommendation of possible disciplinary actions, policy changes, or other actions that might ensure that similar misconduct does not occur in the future.

The Committee shall make recommendations to the appropriate University official regarding steps to be taken to prevent retaliation against the complainant or other persons providing information in the investigation and to restore the position and reputations of persons who have made allegation in good faith.

The Committee shall determine whether the respondent's reputation has been unjustly damaged by the investigation and, through recommendations to the appropriate University official, make reasonable efforts to repair the damage.

The Committee shall report any allegation judged to have been made without reasonable basis in fact and with malicious intent to the appropriate University official.

### **Appeal**

The respondent may make an appeal to the Provost/Vice President of Accident Affairs of the University. He or she can choose to sustain the decision of the Standing Committee or send the case to the committee for reinvestigation.

## **PUBLICATION**

As required by BOV Policy #01 (2014) *Creating and Maintaining Policies* <https://www.nsu.edu/Assets/websites/policy-library/policies/01/BOV-Policy-01-Creating-and-Maintaining-Policies.pdf> to assure timely publication and distribution thereof, Sponsored Programs will make every effort to:

1. Communicate the policy in writing, electrically or otherwise, to the University community with 14 days of approval;
2. Submit the policy to the President's Office for inclusion in the online Policy Library within 14 days of approval;
3. Post the policy on the Divisions SharePoint Site and/or Website; and
4. Educate and trail all stakeholders and appropriate audiences on the policy's content, as necessary.

Failure to meet the publication requirements does not invalidate this policy.

## **REVIEW SCHEDULE**

- Next Scheduled Review: 04/26/2021
- Approval by, date: President, 08/26/2014
- Revision History: 07/24/14; 04/26/18
- Supersedes: Norfolk State University Research Misconduct Policy Operating Rules and Procedures of the Standing Committee on Research Misconduct

## **RELATED DOCUMENTS**

1. Department of Health and Human Subjects <http://ori.hhs.gov/>

## **FORMS**

1. There are no related documents associated with this policy.