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PROPOSAL TO THE ACADEMIC SENATE

TITLE A Policy on Misconduct in Research and Scholarship

SUBMITTED BY Graduate and Research Councils, Academic Policies Committee

DATE March 2, 1993, October 5, 1993

Indicate the action required: Legislative, Concurrence, or Consultation, and refer to the appropriate reference in the Senate Constitution (Article IIB, 1, 2, 3).

ACTION IS: Legislative Concurrence

REFERENCE IS: Article II, B, 2.



The University of Dayton

October 22. 1993

TO: Executive Committee
Academic Senate

FROM: Academic Policies Committee *apc*

The Academic Policies Committee has completed its revision of A Policy on Misconduct in Research and Scholarship. The document has been read and commented upon by the entire membership of the APC, the subcommittee designated to write a new draft (Gordon Sargent, Alex Cameron, Linda Moore), Dennis Turner, and the Chairs of the School of Engineering.

In our opinion the current draft (draft #6) will meet the legal and ethical needs of the University. We recommend that it be approved as soon as possible.

UNIVERSITY OF DAYTON

DAYTON, OHIO.

A POLICY ON

MISCONDUCT IN RESEARCH AND SCHOLARSHIP

I.Preamble

The freedom traditionally accorded scholars and researchers carries with it the obligation of responsible self-discipline. Indeed, the maintenance of high ethical standards in the conduct of research and all other creative activity is a necessary condition for the proper functioning of the university. Dishonesty tarnishes the cause of truth, damages or destroys collegial relationships, and may cause irreparable harm to the relationship between the university and the public. Furthermore, as a Catholic and Marianist institution, the University has stated that "we ground our investigations in the confidence that an open and diligent search for truth is its own best guardian, in deep respect for the people whom we study and with whom we study, and in an abiding communal commitment to the ever deepening understanding and appreciation that is wisdom" (Statement of the Catholic and Marianist Identity of the University of Dayton, p. 5).

The University of Dayton prizes interdisciplinary inquiry carried out in teams. Such research, in particular, imposes a special responsibility upon each individual investigator. Here misconduct directly affects the reputation of co-workers as well as that of the perpetrator. For this reason each must share in the assurance that the data have been honestly gathered and presented and that appropriate credit is given for each individual's contributions. Overall responsibility for the integrity of collaborative work always rests with the principal investigator/project director or author.

All scholars/researchers share the obligation to maintain the highest standard of conduct in their profession and to disclose what they perceive in good faith to be misconduct in research, secure in the knowledge that the University respects the honest exercise of their judgment. Such allegations must be made with caution, however, and the rights of the accused to a fair and careful hearing strenuously protected.

II. Goals

It is the policy of University of Dayton that high legal and ethical standards in the conduct of research and scholarship be maintained. Misconduct in research as herein defined shall be considered a major breach of the contract between the scholar or researcher and the University. The goals of this statement relating to ethics in conduct of research are to maintain high standards and to establish institutional policies that provide the following:

- A. A widely promulgated and understandable mechanism for dealing with instances of alleged misconduct;
- B. An appropriate and clearly defined chain of responsibility for the conduct of research;
- C. Assurance that individuals charged with supervision of other researchers and scholars can realistically execute their responsibilities, particularly when research teams are large;
- D. Assurance that named authors of papers and abstracts have a genuine role in the research and accept responsibility for the quality of their contributions and assurance that those significantly contributing to the research are acknowledged;
- E. Assurance that recording and retaining of research data be carried out in a clear and appropriate manner;
- F. Guidance and direction for scholars and researchers concerning public announcement and publication of research findings.

III. Definitions

Misconduct in research/scholarship includes, but is not limited to the following:

- A. Knowing misrepresentation of the following: research proposals, data, research procedures, data analysis, or results;
- B. Willful fraud in the misuse of resources (e. g., funds, equipment, software, people)
- C. Plagiarism and other improprieties of authorship (e.g., improper inclusion or exclusion of authors), including but not necessarily limited to the following: willful or gross negligent and reckless misappropriation of data without appropriate and accurate acknowledgement of the source or sources;

- D. Violation of federal, state, laws/policies/regulations or institutional policies/rules on research involving human subjects, animals, DNA, new drugs or devices, or radioactive materials;
- E. Willful or gross negligent and reckless falsification or fabrication of data or research and presentation of such data or research as experimentally and scientifically sound or accurate.

IV. Responsibilities

- A. The scholar/researcher or principal investigator/project director is responsible for the conduct of research; the scholar/researcher is responsible to the department chair/program director, who in turn answers to the appropriate dean, director for research, or vice president for graduate studies and research . The chain of responsibility continues through the appropriate Vice President or Provost to the President and the Board of Trustees of the University.
- B. The scholar/researcher or principal director/project director, responsible for supervising other researchers, students and staff personnel must ensure high ethical standards in the conduct of research. These standards include detecting irregular practices in research and scholarship procedures, handling data and results, introducing remedial measures in case of innocent mistakes, and investigating and eliminating willful fraud.
- C. Further, the researcher/scholar or principal investigator/project director is responsible for reporting research results. All co-authors have a genuine role in the research and accept responsibility for the content and quality of their contributions to the work being reported.
- D. Each researcher/scholar or principal investigator/project director is responsible for recording and retaining research data according to scientifically/professionally acceptable criteria.

V. Procedure for Reporting and Investigation of Alleged Research Fraud

In the case of any allegation of misconduct in carrying out research procedures or handling research results, the guiding principle in processing an initial allegation is to protect the rights and reputation of all parties involved, including the accused and the individual or individuals who in good faith report perceived misconduct. All aspects of the investigation shall be kept in confidence as much as possible. The following steps shall be taken:

- A. A written allegation of misconduct should be given to the supervisor one level above the accused (i.e., principal investigator/project director, department chair, dean, research director). In rare instances where the immediate supervisor is perceived to have a conflict of interest, the written allegation shall be given to the next higher level supervisor up to the appropriate Vice president or Provost. The individual receiving the allegation shall notify, as is appropriate, the accused, the accused's supervisor and the appropriate Vice President or Provost. The person receiving the complaint shall then conduct an initial investigation and determine within 15 working days if the allegation is either supported or not supported by the facts. The report shall be forwarded to the appropriate Vice President or Provost.
- B. Should it be determined that the allegations are capable of belief because they are supported by sufficient facts, a committee of three people shall be appointed that includes at least two full-time employees with knowledge in the area in which the alleged misconduct is said to have occurred. The accused may select one full-time employee with experience in research to serve on the committee. The other two committee members shall be selected by the appropriate university administrator. Administrators and those with personal responsibility for the research under investigation shall not be eligible for the committee.

Once the membership is established, the appropriate administrator (dean, director of research, or vice president) shall notify the appropriate Vice President or Provost and the charged party, in writing, that the committee is established and shall provide the names of the persons appointed to the committee.

- C. The committee shall conduct a confidential investigation of the alleged misconduct. The accused shall have the following rights:
1. Notification in writing of all charges;
 2. Reasonable time to prepare for a meeting with the committee ;
 3. Opportunity to meet with the committee and the accuser and present documentation;
 4. Right to reasonable confidentiality in the proceedings to the extent permitted by law;
 5. Right to a reasonably speedy determination/report of the committee;
 6. Right to written findings of the committee.
- D. Unless prevented by reasons beyond its control, the committee shall report findings, in writing, to the appropriate university administrator and to the accused within twenty-one working days of its appointment. In the report, the committee shall indicate the basis of its decisions/recommendations. All findings shall be based on relevant evidence.
- E. If the committee finds that the alleged misconduct is not substantiated by the investigation, formal efforts shall be made to restore the reputation of those under investigation. In this context, if the accused, the committee, the appropriate administrator, or the Vice President or Provost believes that the allegations of research fraud or misconduct are malicious, reckless, or intentionally dishonest, these allegations will be investigated by the committee and be regarded with the same seriousness as misconduct of research itself.
- F. If the alleged misconduct is substantiated, the committee may recommend disciplinary action or dismissal. Resignation of the charged party shall not preclude an investigation.

- G. After reviewing the committee's findings and recommendations, the appropriate administrator shall report these together with the administrator's own recommendations to the Provost. If disciplinary action or dismissal is warranted, the administrator shall write recommendations to the appropriate Vice President or Provost and the Legal Affairs Office. In addition to disciplinary action or dismissal, recommendations can include the following:
1. Request that the researcher withdraw from publication all pending abstracts and papers emanating from the fraudulent research; and
 2. Notification of the editors of journals to which said papers were submitted or published.
- H. Subject to paragraphs I and J of Section V, the appropriate Vice president or Provost shall have the right to take such action as he or she considers justifiable and notify all interested parties of that action. The appropriate Vice President or Provost may also request that the committee conduct further investigation.
- I. After a decision has been made by the appropriate Vice President or the Provost regarding a disciplinary action or dismissal, the accused has the right to appeal, in which case all actions pertaining to the accused shall be taken only through established procedures set forth in the faculty, staff, or student handbooks.
- J. After all appeals have been exhausted, and if the misconduct charge has been substantiated, regardless of provisions relating to confidentiality in Section V of this policy, the appropriate Vice President or Provost, in consultation with the Office of Legal Affairs, shall have the right at any time to release information which is not privileged, relating to any matter, to the sponsoring agencies if also provided to the involved person.