

RESEARCH INTEGRITY

A crucial element of any policy on scientific misconduct and research integrity that is to be fair and effective is a process that will distinguish instances of genuine and serious misconduct from insignificant deviations from acceptable practices, technical violations of rules, simple carelessness, and other such minor infractions. The policy proposed in this document will allow such distinctions to be made in a manner that minimizes disruptiveness and protects the conscientious, honest scientist from false or mistaken accusations.

A. Policy Statement

It is the purpose of these policies to instill and promote the principles of professional integrity, to prevent scientific misconduct, and to discover and censure instances of misconduct when they occur. Accordingly:

1. SUNY Potsdam shall maintain high ethical standards in science and other scholarly work, prevent misconduct where possible, and promptly and fairly evaluate and resolve instances of alleged or apparent misconduct.
2. Every member of the College community has the responsibility of reporting misconduct in scientific work. No person raising serious allegations of misconduct will suffer any penalty; however, frivolous, mischievous or malicious misrepresentation in alleging misconduct will not be tolerated and may result in action against the perpetrator.
3. SUNY Potsdam shall take appropriate disciplinary action against any individual found guilty of misconduct. This will include disclosure to funding agencies, collaborating scientists and institutions, journal editors, professional associations, licensing boards, and potential employers who request oral or written references.
4. These policies apply to scientific research and related scholarly writing conducted by any member of the University faculty or staff. They are not intended to address issues, such as the conduct of students in fulfilling course requirements, which are covered by other policies.
5. These procedures for the institutional handling of allegations of scientific misconduct normally have four stages:
 - a. An inquiry to determine whether the allegation or related issues warrant further investigation;
 - b. When warranted, an investigation to collect and thoroughly examine evidence;
 - c. A formal finding, and
 - d. Appropriate disposition of the matter.

6. As a general rule, the College will take no more than (60) days to conduct its inquiry and determine whether an investigation is warranted. If an investigation is to be undertaken, it will begin within (30) days of the conclusion of the inquiry, and the institution shall generally take no more than (120) days to complete the investigation, prepare the report of findings, obtain the comments of the subject(s) of the investigation, and make a decision on the disposition of the case.
7. The College will annually report to all funding and sponsoring agencies as follows:
 - a. Assurance that the institution has established an administrative process for reviewing, investigating, and reporting allegations of misconduct in science in connection with sponsored research.
 - b. Provision of such aggregate information on allegations, inquiries, and investigations as funding and sponsoring agencies may prescribe.

B. Definitions

1. Scientific Misconduct: - "Misconduct" or "Misconduct in Science" or "Research Misconduct" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.
2. Inquiry: - An Inquiry is an information-gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
3. Investigation: - An Investigation is a formal examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place. If misconduct is confirmed, the investigation should determine the seriousness of the offense and the extent of any adverse effects resulting from the misconduct.

C. Personnel

1. The Provost, after consultation with the President and others as necessary, will appoint an administrator to serve as the Research Integrity Officer.
2. Responsibilities of the Research Integrity Officer:
 - a. To work confidentially with a complainant in the development of a specific, formal written complaint.
 - b. To maintain records of all complaints and institutional responses.
 - c. To conduct inquiries and submit recommendations concerning investigations to Provost.

- d. To assist the Provost in the conduct of formal investigations into allegations of misconduct.
- e. To inform sponsoring and funding agencies as appropriate.

D. Liability Coverage

The involvement of faculty and staff in inquiries or investigations pursuant to these Guidelines is considered part of their employment duties and responsibilities within the meaning of Section 17 of the Public Officers Law.

E. Inquiry and Investigation of Allegations

1. Inquiry

- a. As a first step in the process of inquiry an initial report of alleged misconduct will be prepared in writing by the Research Integrity Officer. The accuracy of this report must be attested to by a statement signed by the person(s) originating the report. The Research Integrity Officer will then conduct an immediate, informal, discrete inquiry into allegations of misconduct in order to determine whether there is a substantial basis for initiating a formal investigation into the alleged misconduct. The Research Integrity Officer will make every effort to safeguard all individual reputations and the integrity of the research. Every effort shall be made to protect the interests and privacy of those who in good faith report apparent misconduct and others who testify. In the conduct of this Inquiry, the Research Integrity Officer may consult, on an ad hoc basis, with faculty members of his/her choice.
- b. The faculty member or other investigator whose research is the subject of the complaint shall be notified that a complaint has been lodged, the nature of the complaint, and the procedures to be followed. The affected individual(s) will be granted confidential treatment to the maximum extent possible, a prompt and thorough investigation, and an opportunity to comment on allegations and findings of the inquiry and/or the investigation.
- c. Any evidence pertinent to the resolution of the issue shall be made secure by the Research Integrity Officer conducting the inquiry.
- d. (The inquiry shall be conducted in confidence with the purpose of separating unfounded allegation(s) from those of a substantive nature and shall be completed whenever possible within 60 days of the initial receipt of the allegations. At the completion of the inquiry, a written report shall be filed with the Provost with an assessment as to whether or not the allegation(s) is warranted, and the reasons attendant thereto. The Research Integrity Officer will maintain sufficiently detailed documentation

of inquiries to permit a later assessment of the reasons for determining that an investigation was not warranted, if necessary. Such records shall be maintained in a secure manner for a period of at least seven years after the termination of the inquiry and shall, upon request, be provided to authorized representatives of sponsoring and funding agencies.

e. An investigation is warranted where there is a reasonable basis for concluding allegation(s) fall within the definition of research misconduct. For Public Health Service (PHS) funded research the allegation(s) fall under research misconduct as defined in 42 Code of Federal Regulations (CFR) § 93.103 and the inquiry indicates the allegation may have substance.

f. Precautions should be taken against real or apparent conflicts of interest on the part of those involved in the inquiry or investigation.

g. The Provost shall determine on the basis of the written report of the inquiry, and any other consultation deemed necessary, whether the allegations warrant a formal investigation. In either case, the basis for the decision will be fully documented. For PHS-funded research the contents of the written report shall comply with 42 CFR § 93.309

h. If the decision of the Provost is that no investigation is warranted, the Provost will notify all those concerned of this determination. The Provost may also examine the propriety of the initial charge and take further action if appropriate. i. If the decision of the Provost is that an investigation is necessary, it shall be formally undertaken within 30 days of the completion of the inquiry.

i. Once a decision is made that an investigation is necessary, the report will be given to the respondent who will have an opportunity to review and comment on it. Those comments shall be attached to the report. SUNY shall determine on a case by case basis whether to inform the complainant regarding the decision to pursue an investigation.

2. The Investigation

Administrative Actions If the decision of the Provost is that an investigation is necessary, the Provost or her designee shall:

a. Appoint a Research Integrity Investigation Committee, which will have the following membership:

- Research Integrity Officer (Chair)
- Dean/Director of Appropriate Area
- Director of Research & Sponsored Programs (or designee)
- Other administrators as appropriate.

This committee will conduct the investigation and prepare a report for the Provost.

b. After administrative and legal consultation, inform the Research Foundation, the granting agency and any other parties potentially affected by the investigation of the decision to conduct an investigation. Where there is reasonable indication of possible criminal violations, the appropriate funding agencies shall be notified within 24 hours of this determination. Where Public Health Service (PHS) grants are involved, the PHS Office of Research Integrity will be notified. The report shall then comply with 42 CFR §§ 93.307 and 93.309.

During the course of the investigation, funding and sponsoring agencies are to be apprised of any developments which disclose facts that may affect current or potential funding for the individual(s) under investigation or that the funding agency needs to know to ensure appropriate use of funds and otherwise protect the public interest.

c. Inform the subject of the investigation of the accusations and that a formal investigation shall be conducted and invite the subject to make a written response to the allegations. For PHS-funded research SUNY Potsdam shall provide notice to the respondent of any new allegation of research misconduct within a reasonable period of time of deciding to pursue allegations not included during the initial inquiry or investigation.

d. Consult, as the need arises, on an ad hoc basis with faculty members of his or her choice during the formal investigation.

e. Inform collaborator(s) in the research project under investigation and give them the opportunity to comment.

f. Immediately proceed to collect and secure all materials necessary for the investigation, and/or related to the research in question.

g. Take interim administrative actions, as appropriate, when necessary to protect research funds, human subjects, or equipment.

h. Complete the investigation within 120 days, whenever possible.

F. Conduct of the Investigation

During the course of the investigation, the Research Integrity Investigation Committee shall:

1. Receive and review relevant documents, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls.
2. Take reasonable steps to ensure an unbiased investigation, including participation of persons with scientific expertise who do not have unresolved personal, professional or

financial conflict of interests with those involved in the investigation.

3. Interview all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations. Complete summaries of these interviews shall be prepared, provided to the interviewed party for comment or revision, and included as part of the investigative file.
4. Seek additional information as deemed necessary. For example, the investigation should pursue all pertinent leads that are discovered during the investigation.
5. Consult, when appropriate, with expert(s) from outside the institution.
6. Record and document all relevant information obtained in the course of the investigation. This documentation is to be made available to the appropriate officials of sponsoring agencies, when requested.
7. Analyze and summarize results of the investigation
8. Prepare and submit a written report to the Provost, including a summary of the investigation, findings, and recommendations for further action.

G. The Finding

At the conclusion of the investigation, the Provost (or designee) will:

1. Submit a written report to the President of the results of the investigation. Included in this report shall be:
 - a. A statement of the accusation.
 - b. A statement of the findings.
 - c. An indication of the evidence or lack of evidence of misconduct.
 - d. An evaluation of the seriousness of any misconduct found.
 - e. Recommendations for further action.
2. Submit a draft copy of the report to the accused for rebuttal along with a copy or access to the evidence upon which the report is based. The respondent must then submit his/her written comments to the draft report within 30 days of receiving it.
2. Include any written rebuttal by the accused to the report.
3. If an investigation has been launched on the basis of a complaint, and no fraud or misconduct is found, no disciplinary measures should be taken against the complainant and the institution should undertake diligent efforts, as appropriate, to restore the reputation of persons alleged to have engaged in misconduct. It will also undertake

diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations. If the allegations are found to have been maliciously motivated, disciplinary actions may be taken against those responsible.

At the conclusion of the investigation for PHS-funded research, the Provost (or designee) will:

1. Submit a report to ORI, which shall comply with 42 CFR 93.313 and shall be submitted within 120 days of beginning the investigation unless an extension is requested and granted from ORI. If an extension is granted, progress reports would be filed according to ORI's direction.
2. The report shall include all of its attachments and appeals, if any. It will include a statement regarding what was determined. If misconduct was found it will state who committed it. It will include a statement whether SUNY accepts the investigation's findings and it shall describe any pending or completed administrative actions against the respondent.

Responsibility for recommending the nature and severity of disciplinary action will rest in the Provost. If misconduct is confirmed, the Provost shall make recommendations to the President for appropriate sanctions against the subject.

The President, upon receiving the report of the Provost and any statement of rebuttal by the accused, will make a final determination regarding what action shall be taken and formally notify all parties, including the awarding agency and Research Foundation of that decision.

If misconduct is confirmed, the institution will take appropriate action in accordance with Article 19 of the Agreement between the State of New York and United University Professions. A faculty/staff member who is the subject of an inquiry or investigation has, as a matter of course, the right to consultation with legal counsel if he or she chooses. However, the faculty member has the right to representation by counsel in institutional proceedings only after formal disciplinary charges have been filed in accordance with Section 19.8 of the Agreement between the State of New York and the United University Professions.

Consideration will also be given to formal notification of other concerned parties, not previously notified, such as:

1. Sponsoring agencies, funding sources.
 - a. Co-authors, co-investigators, collaborators.
 - b. Editors of journals in which fraudulent research was published. State professional licensing boards.
 - c. Editors of journals or other publications, other institutions, sponsoring agencies, and funding sources with which the individual has been affiliated.
 - d. Professional societies.
 - e. Where appropriate, criminal authorities.

H. Reporting Requirements

1. An institution's decision to initiate an investigation must be reported in writing to the appropriate officials of the sponsoring and funding State or Federal agencies on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the application or grant numbers(s) involved.
2. An investigation should ordinarily be completed within 120 days of its initiation. This includes conducting the investigation, preparing the report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the sponsoring agency. If they can be identified, the person(s) who raised the allegation should be provided with those portions of the report that address their role and options in the investigation.
3. The institution is expected to carry its investigations through to completion, and to pursue diligently all significant issues. If an institution plans to terminate an inquiry or investigation for any reasons without completing all relevant requirements, a report of such planned termination, including a description of the reasons for such termination shall be made to the appropriate funding and sponsoring agencies.
4. The final report submitted to the sponsoring agency will describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings, and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions taken by the institution.
5. If the institution determines that it will not be able to complete the investigation in 120 days, it must submit to the sponsoring agencies a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps. If the request is granted, the institution must file periodic progress reports as requested by the sponsoring agency.
6. For PHS-funded research, SUNY must notify ORI whenever a respondent admits guilt or settles the matter except when a case is closed because it is determined that an investigation is not warranted or there is no finding of misconduct at the investigative stage which is reported under 42 CFR § 93.315.
7. The institution is responsible for notifying sponsoring agencies if it ascertains at any stage of the inquiry or investigation that any of the following conditions exist:
 - a. There is an immediate health hazard involved;
 - b. There is an immediate need to protect Federal (or State) funds or equipment;

- c. There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
- d. It is probable that the alleged incident is going to be reported publicly;
- e. There is a reasonable indication of possible criminal violation. In that instance, the institution must inform the sponsoring agencies within 24 hours of obtaining that information.

I. Record Retention

All documentation pertaining to an investigation including, but not limited to actions taken, records, documentary evidence, inquiry report, and transcripts of interviews shall be maintained for seven (7) years.

J. Training Requirement

The college requires all researchers including student researchers involved in NSF and NIH grant projects to be trained on the Responsible Conduct of Research (RCR). All researchers participating in NSF or NIH funded projects must complete training through the Collaborative Institutional Training Initiative (CITI) online training program to meet the RCR requirements. The Research and Sponsored Programs Office is charged with overseeing this training requirement. Information about the training can be obtained through that office or on line at the Research and Sponsored Programs website link for the Responsible Conduct of Research <http://www.potsdam.edu/faculty/research/rspo/responsibleconduct.cfm>