

RESEARCH MISCONDUCT POLICY

§1. RESEARCH MISCONDUCT DEFINED

The term “research” refers to a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general or specific knowledge.

As defined by the United States Federal Research Misconduct Policy¹, the term “research misconduct” includes fabrication, falsification, or plagiarism 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.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Other breaches of research integrity that depart significantly from accepted practices within the relevant research community may also be considered research misconduct. This includes, but is not limited to:

- Abuses of confidentiality.
- Abetting or covering up research misconduct by others.
- Violating applicable laws and College policies regulating research with human subjects.
- Violating applicable laws and College policies regulating vertebrate animal use and care.

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

§2. DUTY TO REPORT

All Randolph College personnel, including faculty, staff, and students, who observe or suspect research misconduct have a duty to report the alleged behavior to:

- The Dean of the College; or
- A faculty member or department chair in the relevant department. The faculty member or department chair receiving the complaint has a duty to report to the Dean of the College immediately.

§3. ROLES AND RESPONSIBILITIES

(a) Dean of the College.

The Dean of the College ensures implementation, promulgation and compliance of this policy. The Dean of the College is principally responsible for receiving and assessing allegations of research misconduct, determining when such allegations require inquiry, overseeing the inquiry and investigation proceedings, and receiving the results of research misconduct proceedings and taking appropriate administrative actions within his or her delegated authority. The Dean of the College is principally responsible for maintaining and sequestering all research records, evidence, transcripts, and other relevant records and documentation associated with research misconduct proceedings. When applicable, the Dean of the College is principally responsible for notifying external granting agencies regarding research misconduct proceedings.

(b) Complainant

The complainant is any individual who submits an allegation of research misconduct. The complainant should act in good faith when making allegations, maintain confidentiality, and cooperate with the inquiry and investigation committees. The complainant may submit evidence to the inquiry and investigation committees and, if asked to do so, provide testimony before those committees. The complainant will receive and be allowed to respond in writing to the final reports of the inquiry and investigation committees.

(c) Respondent

The respondent is any individual against whom an allegation of research misconduct is directed or whose actions are the subject of an inquiry or investigation. The respondent should maintain confidentiality and cooperate during all stages of the research misconduct proceedings. The respondent should comply with requests for research records, but those records should be sequestered in a manner that minimizes disruption of the respondent's ongoing research during the research misconduct proceeding and the respondent should be given an inventory of the sequestered research records. The respondent may submit evidence to the inquiry and investigation committees and, if asked to do so, provide testimony before those committees. The respondent will receive and be allowed to respond in writing to the final reports of the inquiry and investigation committees. If evidence supporting research misconduct is lacking and/or the respondent is found not to have committed research misconduct, the respondent may request that Randolph College take reasonable and practical efforts to restore their reputation, particularly with granting agencies.

(d) Inquiry Committee

The inquiry committee shall conduct an initial review of the available evidence to determine whether an allegation of research misconduct has substance and warrants further investigation. The inquiry committee determines, based on available evidence, the seriousness and scope of the alleged research misconduct. If the inquiry committee expands the scope of the research misconduct process and/or identifies new respondents, they must inform the Dean of the College in writing. The inquiry committee shall prepare a final report of their findings in accordance with the requirements outlined in this policy.

(e) Investigation Committee

The investigation committee shall conduct a full, formal and thorough review of all facts, data, evidence, testimony, and other relevant documentation related to the allegation of research misconduct to determine, based on a preponderance of evidence, whether research misconduct has occurred, and, if so, to identify responsible person(s) and the seriousness and nature of the research misconduct. If the investigation committee expands the scope of the research misconduct process and/or identifies new respondents, they must inform the Dean of the College in writing. The investigation committee shall prepare a final report of their findings in accordance with the requirements outlined in this policy.

§4. INVESTIGATIVE PROCEDURE

Inquiry

1. Upon receiving an allegation of research misconduct that is sufficiently credible and specific, the Dean of the College shall, before initiating an inquiry, make a good faith effort to notify the respondent in writing of the allegation and inform them of the process that will follow. If additional respondents are identified as part of the investigation, they too shall be notified in writing.
2. Randolph College shall take reasonable and practical steps to obtain custody of data, records, documents, digital files, or any other written or non-written account or object or equipment that may be reasonably expected to provide evidence or information regarding the proposed, conducted, or reported research under investigation (hereinafter referred to as ‘evidentiary materials’); inventory the evidentiary materials; and sequester them in a secure manner. When appropriate, the respondent shall be provided with copies of or supervised access to evidentiary materials. If the evidentiary materials are needed by users not involved in the research misconduct allegation, custody may be limited to copies that are of equal evidentiary value to the originals.

3. The Dean of the College shall form an ad hoc inquiry committee to conduct a preliminary investigation. The inquiry committee should be comprised of at least three (3) individuals, including:

(a) At least one tenured faculty member with appropriate expertise in the respondent's field of research. If necessary, a faculty member from another institution may be recruited to serve this role;

(b) In cases where the respondent is a faculty member, the tenured chair of the respondent's department (if the respondent is the chair of their department, or if the chair of the respondent's department is not tenured, the Dean of the College shall select an appropriate alternative);

(c) In cases involving human research subjects, the current chair of the Institutional Review Board; and

(d) In cases involving vertebrate animal research subjects, the current chair of the Animal Research Committee.

Members of the inquiry committee may serve more than one role. Members may be from within or outside of the College. Conflict of interest should be considered by the Dean of the College while forming the inquiry committee.

4. The inquiry committee has 60 days to conduct an initial inquiry to review evidence and interview persons having relevant information to determine whether reasonable grounds exist to conclude that the allegation falls within the definition of research misconduct and that preliminary information and fact gathered by the inquiry committee indicate that the allegation has substance and warrants further investigation.

5. The inquiry committee has 60 days from the date of its formation to:

(a) Dismiss the allegation.

(b) Conclude that a full investigation is warranted.

6. The inquiry committee shall prepare a written report summarizing the evidence, findings and conclusions of its initial inquiry. The complainant and the respondent shall receive a copy of the report and be allowed to enter a written response into the record. If the inquiry committee finds that the allegation does not warrant a full investigation, the written report shall be maintained in confidence by the Dean of the College for a period of no less than seven (7) years, and the process shall be deemed completed. If requested by the granting agency, Randolph College must provide to them the policies and procedures under which the inquiry was conducted; the data,

records, relevant documents, evidence and relevant evidentiary materials; and the investigated charges.

Investigation

7. If the initial inquiry finds that a full investigation is warranted, the Dean of the College has 30 days to notify all granting agencies funding the respondent's research that a full investigation is pending. The dean's written report to the granting agencies must include:

- (a) The name and position of the respondent;
- (b) A description of the allegation;
- (c) The grant names, numbers, and/or contracts involved;
- (d) A copy of the inquiry report with the respondent's and complainant's response; and
- (e) Any other information required by the granting agency.

The College should provide full and continuing cooperation with granting agencies as part of the investigation of research misconduct.

8. If the inquiry finds that a full investigation is warranted, the Dean of the College has 30 days to notify the respondent in writing; individuals who collaborated with the respondent in proposing, performing, reviewing, or reporting the research associated with the alleged misconduct; the respondent's supervisor(s); relevant Randolph College senior administrative officials; and the College's legal counsel that a full investigation is pending.

9. If the initial inquiry finds that a full investigation is warranted, the Dean of the College has 30 days to form a new ad hoc investigation committee consisting of at least five (5) individuals, five of whom must be tenured faculty. The composition of the investigation committee should include:

- (a) At least one tenured faculty member with appropriate expertise in the respondent's field of research;
- (b) The Randolph College Sponsored Programs Officer;
- (c) In cases where the respondent is a faculty member, the chair of the member's department;

(d) In cases involving human research subjects, the current chair of the Institutional Review Board; and

(e) In cases involving vertebrate animal research subjects, the current chair of the Animal Research Committee.

Members of the investigation committee may serve more than one role. Members of the inquiry committee may also serve on the investigation committee. Members may be from within or outside of the College. Conflict of interest should be considered by the Dean of the College while forming the investigation committee.

10. The investigation committee will consult with the College's legal counsel to review legal principles pertaining to the investigation of research misconduct.

11. The respondent shall be granted due process rights, be allowed to address the committee, and may be accompanied at proceedings by one person of their choice. The accompanying individual is restricted to an advisory role and the respondent must represent her or himself during the proceedings. To protect confidentiality, investigation committee proceedings will be closed to the public. During deliberations, the investigation committee may convene in closed session.

12. The investigation committee has 120 days to conduct a prompt, thorough, competent, objective and fair investigation of all relevant evidence, interview persons having relevant information, review all research in which the respondent is involved, and pursue diligently all leads relevant to the investigation. Interviews should be transcribed.

13. The investigation committee has 120 days from the date of its formation to:

(a) Find a lack of evidence for research misconduct.

(b) Find that research misconduct has occurred.

14. The investigation committee shall prepare a written draft report summarizing the evidence, findings and conclusions of its investigation. The respondent shall receive a copy of the draft report and a copy of evidence on which the report is based and shall have 30 days to enter a written response into the record. The investigation committee may consider and address the respondent's comments before issuing a final report. The final report should contain the following sections:

(a) Allegations and institutional charge. Describe the nature of all allegations of research misconduct and list which allegations were part of the institutional investigation.

(b) Grants affected. Include grant names, grant numbers, grant applications, contracts, and publications listing grant support.

(c) Policies and procedures. If not already provided with the initial inquiry report, include the institutional policies and procedures under which the investigation was conducted.

(d) Evidence. Identify and summarize the evidence reviewed and evidence taken into custody but not reviewed.

(e) Statement of findings. For each separate allegation of research misconduct identified during the investigation, provide a finding as to whether research misconduct did or did not occur, and if so—

(1) Identify whether the research misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard;

(2) Summarize the facts and the analysis which support the conclusion and consider the merits of any reasonable explanation by the respondent;

(3) Identify whether any publications need correction or retraction;

(4) Identify the person(s) responsible for the misconduct; and

(5) List any known applications or proposals for support that the respondent has pending with granting agencies.

(f) Comments. Include comments made by the respondent and complainant on the draft investigation report.

The final written report shall be maintained in confidence by the Dean of the College for a period of no less than seven (7) years.

Institutional Actions:

After receiving the investigation committee's report, the Dean of the College shall consult with the President of Randolph College and other applicable institutional officials to determine and express in writing the extent to which Randolph College accepts the investigation committee's conclusions. Variation from the investigation committee's findings will be explained in the Dean of the College's written determination. The Dean of the College may also return the report to the investigation committee with a request for further information or analysis. The

determination of the Dean of the College will be final unless appealed to the President of Randolph College (see Section 10).

(a) Lack of evidence for research misconduct: Upon final determination that evidence supporting the allegation of research misconduct is lacking, the Dean of the College shall immediately notify all parties and granting agencies involved. Reasonable and practical efforts should be taken to fully protect and restore the reputation of the respondent, particular with granting agencies.

(b) Research misconduct has occurred: Upon final determination that research misconduct has occurred, the Dean of the College shall take the following actions:

(1) Granting agencies funding the research in question will be notified in writing and appropriate restitution of grant funds made. The written report to the granting institution should include:

(A) The complete final investigation report;

(B) Whether Randolph College found research misconduct and, if so, who committed the misconduct;

(C) Whether Randolph College accepts the investigation's findings; and

(D) Pending or completed institutional administrative actions against the respondent.

(2) The respondent may be asked to withdraw pending publications and submit retraction requests or errata for publications associated with the research misconduct;

(3) Institutions and granting agencies with whom the respondent is or was previously affiliated may be notified if there is reason to believe that the ethics, conduct, or validity of the respondent's research with these institutions and agencies is questionable;

(4) The Dean of the College may take other appropriate administrative actions, including disciplinary action, provided the actions are within their delegated authorities.

Special Circumstances Requiring Immediate Notification of Granting Agencies²

The Dean of the College must notify the granting agency immediately if, during any stage of research misconduct proceedings, if it has reason to believe that any of the following conditions exist:

- (a) Research activities pose an immediate hazard to the health and safety of the public and/or human or animal research subjects;
- (b) Research activities threaten the loss or damage of granting agency funds, equipment, or interests;
- (c) The alleged research misconduct will be reported publicly;
- (d) There is reasonable evidence that the research activity represents a possible violation of criminal or civil law;
- (e) There is an immediate need for the granting agency to protect the interests of any party involved in the research misconduct investigation.

The Dean of the College must notify the granting agency in advance if, during any stage of the research misconduct proceedings, Randolph College plans to close the case on the basis that the respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except the closing of a case at the inquiry stage on the basis that an investigation is not warranted or a finding of no misconduct at the investigation stage, which must be reported according to the rules put forth in the Institutional Inquiry and Institutional Investigation sections of this policy.

Student Research Misconduct

If the respondent to a research misconduct allegation is a student of Randolph College, and if the research does not include external funding, the case shall be adjudicated using the Randolph College Honor System in lieu of the policies herein described.

If the respondent to a research misconduct allegation is a student of Randolph College, and if the research does include external funding, the student's conduct shall be adjudicated using the Randolph College Honor System policies and the alleged act of misconduct investigated using the policies herein described to fulfill the investigation and reporting requirements of the granting agency or agencies.

§5. REQUIREMENT FOR MAKING A FINDING OF RESEARCH MISCONDUCT³

To make a finding of research misconduct, all three of the following conditions must be met:

- (a) There is/was a significant departure from accepted practices of the relevant research community;
- (b) The misconduct is/was committed intentionally, knowingly, or recklessly; and
- (c) The allegation must be proven by a preponderance of the evidence.

§6. EVIDENTIARY STANDARD⁴

- (a) Standard of proof. Research misconduct must be proved by a preponderance of the evidence.
- (b) Burden of proof.

(1) Randolph College has the burden of proof for making a finding of research misconduct. The destruction, absence of, or respondent's failure to provide research records adequately documenting the questioned research is evidence of research misconduct where Randolph College establishes by a preponderance of the evidence that the respondent intentionally, knowingly, or recklessly had research records and destroyed them, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner and that the respondent's conduct constitutes a significant departure from accepted practices of the relevant research community.

(2) The respondent has the burden of going forward with and the burden of proving, by a preponderance of the evidence, any and all affirmative defenses raised. In determining whether

Randolph College has carried the burden of proof imposed by this part, the finder of fact shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent.

(3) The respondent has the burden of going forward with and proving by a preponderance of the evidence any mitigating factors that are relevant to a decision to impose administrative actions following a research misconduct proceeding.

§7. CONFIDENTIALITY⁵

(a) Disclosure of the identity of respondents and complainants in research misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as allowed by law.

(b) Except as may otherwise be prescribed by applicable law, confidentiality must be maintained for any records or evidence from which research subjects might be identified. Disclosure is limited to those who have a need to know to carry out a research misconduct proceeding.

§8. RETALIATION

Retaliation against complainants, respondents, witnesses, committee members, or others involved with the investigation and adjudication of research misconduct allegations will not be tolerated by Randolph College.

§9. APPEALS

After receiving the investigation committee's final report and the Dean of the College's determination, individuals have thirty (30) days to appeal the decision. Grounds for appeal include:

(a) Procedural errors in the research misconduct investigation that materially affect the outcome;

(b) Inadequate or unreasonable access to material evidence during the research misconduct investigation;

(c) Discovery of new material evidence that was not available during the research misconduct investigation;

- (d) Arbitrary, capricious, or erroneous decision making; or
- (e) Sanctions that are disproportionate to the seriousness of the research misconduct act.

A written appeal should be submitted to the President of Randolph College. The written appeal should include a specific request to reverse or modify the finding of research misconduct and/or imposed sanctions and note the specific grounds for appeal. The appellant should attach to the written appeal all relevant documentation and evidence related to the appeal. The President has no more than 120 days to review the investigation committee's report, the Dean of the College's determination, and the appeal; to make a final decision to uphold, reverse, or modify the finding of research misconduct and/or imposed sanctions; and to provide a written decision to all relevant parties. If required, the President may charge the investigation committee with additional investigative action provided the appeal process is complete within 120 of receiving the appeal.

§10. STATUTORY BASES FOR THIS POLICY

This policy is based, in part, on the research misconduct policies of the Public Health Service (CFR Title 42, Chapter I, Subchapter H, Part 93, Sections 93.25 - 93.523), the National Aeronautics and Space Administration (CFR Title 14, Chapter V, Part 1275, Sections 1275.100 - 1275.108), the Department of Energy (CFR Title 10, Chapter II, Subchapter H, Part 600, Subpart A, Section 600.31), the National Science Foundation (CFR Title 45, Subtitle B, Chapter VI, Part 689), and the Federal Acquisition Regulations System (CFR Title 48, Chapter 12, Subchapter H, Part 1252, Subpart 1252.2 , Section 1252.235-70).

§11. ACKNOWLEDGEMENTS

This policy is based, in part, on the research misconduct policies of Amherst College, Case Western Reserve University, Northwestern University and Trinity College.

¹Federal Register, Volume 65, Number 235, pages 76260-76264 (December 6, 2000).

²Taken from U.S. Code of Federal Regulations, Volume 42, Section 93.318.

³Taken from U.S. Code of Federal Regulations, Volume 42, Section 93.104.

⁴Taken from U.S. Code of Federal Regulations, Volume 42, Section 93.106.

⁵Taken from U.S. Code of Federal Regulations, Volume 42, Section 93.108.