

## **10.4 & 20.12 Policy on Research Misconduct**

---

**Approval Authority: Board of Trustees**

**Responsible Executive: Chair of BOT**

**Responsible Office: Secretary to the Board**

**Effective Date: 1 December 2014**

### **Policy on Research Misconduct: Integrity in Research and Scholarship**

The importance of integrity in research cannot be overemphasized. Unethical behavior in research and scholarships strikes at the heart of the educational enterprise. A shared understanding of the expectations and responsibilities is, therefore, critical—not only to the quality of the research and scholarly enterprise but also to the collegial life of the Stevens community. Each member of the community has a responsibility to foster an environment which promotes intellectual honesty and integrity, and which does not tolerate misconduct in any aspect of research or scholarly endeavor. Research misconduct is extremely troubling – in spite of its infrequency – because when it occurs, it is very destructive of the standards we attempt to instill in our students, of the esteem in which academic science and scholarship is held by the public, and of the financial support of the government and other sponsors for academic research.

Misconduct arises most readily in an environment in which supervision at each relevant level is not reasonably exercised. Department heads, deans, and other institutional officials must make clear the standards and protocols for research, scholarship, and creative work in their organizations and must set a tone (by example, through discussion and review of research, and by providing training opportunities when appropriate) that will make adherence to those standards a matter of course.

Stevens “Faculty Handbook - section3” has been interpreted to include misdeeds such as “substantial and manifest neglect of duty; demonstrated incompetence or dishonesty in teaching or research, or; personal misconduct which substantially impairs the individual’s fulfillment of his/her responsibilities to Stevens.” Such activities are subject to the procedures described therein. However, in cases of research misconduct, the policy below—rather than that described in the Faculty Handbook, Section 3 —apply.

Findings (pursuant to this research misconduct procedure) of serious academic deficiencies in proposing, conducting or reporting research – but not constituting research misconduct – are to be addressed by the cognizant Dean, or administrative official by initiating the relevant disciplinary process, as appropriate. Allegations or suspicions of misconduct outside the scope of this policy should be referred for investigation to the cognizant Dean, Chief Academic Officer, or administrative official. The process of investigation and reporting obligations may differ from those required for research misconduct cases.

### **INTRODUCTION**

This policy addresses only research misconduct, which is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

- 1) Fabrication – making up data or results and recording or reporting them
- 2) Falsification – 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

- 3) Plagiarism – the appropriation of another person’s ideas, processes, results or words without giving appropriate credit

*Research misconduct does not include honest error or honest differences in interpretations or judgments of data<sup>1</sup>.*

The policy applies to all allegations of research misconduct whether or not externally sponsored. However, this definition does comply with the federal Office of Science and Technology policy on research misconduct issued on December 6, 2000 in 65 FR 76260-76264 and with the specific procedures for dealing with research misconduct issued by the National Science Foundation (45 CFR 689) and the Public Health Service (42 CFR Part 93).

A finding of research misconduct requires that

- There is a significant departure from accepted practices of the relevant research community;
- The misconduct is committed intentionally, or knowingly, or recklessly; and
- The allegation is proven by a preponderance of evidence. (Note that Stevens disciplinary procedures may establish a different standard of proof for disciplinary actions.)

## **I. APPLICABILITY AND DEFINITIONS**

### **A. APPLICABILITY**

Stevens’ definition of research misconduct, and procedures for investigating and reporting allegations of misconduct, conform to the definitions and regulations of those federal funding agencies which have policies on this subject. Stevens’ policy is applicable to:

- Research proposed, conducted or reported at Stevens by Stevens’ Institute-related individuals, i.e., those with an appointment or official affiliation with Stevens Institute of Technology, including faculty, academic staff, students, postdoctoral scholars, visiting scholars who make significant use of Stevens’ research resources (including participation in any sponsored project awarded to Stevens), and those with any other Stevens teaching and/or research titles such as adjunct or consulting appointments.
- Research proposed, conducted or reported elsewhere by such Stevens Institute-related individuals as part of the Stevens Institute-related duties or activities.
- Research proposed, conducted or reported where such research is claimed, cited or implied to have been done at Stevens, or where a Stevens appointment or official affiliation is claimed, cited or implied in connection with the research when it is in Stevens interest to do so.

### **B. DEFINITIONS**

- Administrative Official – at Stevens, this is the person in charge of an administrative function such as the information technology office and will generally supervise administrative staff.
- Chief Academic Officer – the Provost and University Vice President
- Complainant – person(s) bringing the charges of research misconduct
- Inquiry – an inquiry consists of preliminary information-gathering and preliminary fact-finding to determine whether an allegation or an apparent instance of misconduct has substance.

---

<sup>1</sup> Violation of Stevens policy on financial fraud is subject to those policies and is not addressed as research misconduct.

The outcome of an inquiry is a determination as to whether or not an investigation is to be conducted.

- Investigation – an investigation is a formal examination and evaluation of relevant facts to determine whether or not misconduct has taken place.
- Research Misconduct – see above.
- Respondent – the individual(s) accused of research misconduct.

## II. INDIVIDUAL REPORTING RESPONSIBILITY

Anyone who believes that any Stevens' faculty, staff or student has engaged in an act of academic fraud or research misconduct should make a report of that act to the appropriate Dean or other administrative official with supervisory power over the person so charged. Charges brought to any other person should be immediately referred to the appropriate Dean or administrative official.

Reporting such concerns in good faith is a service to Stevens, the larger academic community and to the general public and in and of itself, such good faith reporting will not jeopardize anyone's employment or academic standing. Stevens prohibits retaliation of any kind against a person who, acting in good faith, reports or provides information about suspected or alleged misconduct (see policy at [10.2.2 Conscientious Employee or "Whistle-blower" Protection Policy](#))

## III. THE INSTITUTIONAL INQUIRY AND INVESTIGATION PROCESS

The Dean or administrative official should immediately initiate a review after receiving an allegation of misconduct and simultaneously advise the Office of the Provost. Such a review may be carried out personally or through such standing or ad hoc arrangements as each Dean or administrative official deems best; however, such review shall be coordinated with the Office of the Chief Academic Officer to ensure they are carried out in conformance with all applicable regulations. The review of the allegation, as well as all activities undertaken in the Inquiry and Investigation phases, if appropriate, shall be carried out in a manner that is thorough, competent, objective, fair, and appropriately protective of the confidentiality and reputations of all participants.

### A. THE ALLEGATION

Upon receipt of an allegation the Dean or administrative official will assess the information to determine whether (i) it constitutes alleged research misconduct as defined by this policy and (ii) the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

- If both criteria are met the Dean or administrative official shall immediately begin simultaneous actions to:
  - 1) Produce an interim report that will serve as the basis for the Inquiry phase
  - 2) Inform the Chief Academic Officer
  - 3) Determine whether the academic work in question involves funding from an external source and, if so, inform the Executive Director of the Office of Sponsored Programs (OSP)
- If both criteria are NOT met, the Dean or administrative official shall:
  - 1) Dismiss the charges
  - 2) Provide a written report to the Chief Academic Officer the includes a description of the procedures that have been followed
  - 3) Give a copy of the report to the respondent

- 4) Notify in writing the complainant
- 5) All records and evidence in the case shall be sent to the Chief Academic Officer

## **B. THE INQUIRY**

The Inquiry will determine whether a formal investigation is warranted, and will be guided by the following:

- The Inquiry shall be the responsibility of the Chief Academic Officer, who will determine whether the inquiry is to be handled by an individual or by a committee, depending upon the circumstances. At either the Inquiry or Investigation phase, the person against whom the allegation has been made may appeal to the Chief Academic Officer the inclusion of any specific committee member in a case of a significant conflict. A final decision about committee membership will be made by the Provost.
- The person(s) conducting such inquiries are to take prompt, reasonable, and practical steps to obtain custody of the research records and/or evidence needed to conduct the misconduct inquiry; inventory the records and evidence and sequester them in an appropriate manner that will maintain the confidentiality of the participants as well as protect any proprietary information contained within the research.
- At the time of, or before the beginning of an Inquiry, the respondent shall be informed of the formal allegations to be considered during the Inquiry, and be invited to comment on them. The respondent shall also be provided with a copy of the interim report developed as a result of the allegation phase and be given an opportunity to comment on the findings for the consideration of those conducting the Inquiry phase of the process. In so doing, efforts shall be made (where feasible) to protect the confidence of the individual(s) who brought forward the complaint.
- Other relevant individuals, including the complainant(s), if known, should be interviewed.
- The hearing committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- The final report, including a recommendation as to whether or not a full investigation is warranted, is to be submitted by the Inquiry Committee to the Chief Academic Officer within 60 days of receipt of the allegation. If this timeline is not possible in a particular case, the reasons are to be documented and the Chief Academic Officer shall be notified. The final report shall include any comments provide by the respondent in response to the interim report of the allegation.
- Documentation shall include sufficient detail to permit an assessment of whether or not a full investigation is warranted. It should:
  - 1) Describe information reviewed
  - 2) Include a summary of the interviews conducted
  - 3) State conclusions reached
  - 4) Indicate whether or not the Inquiry official or committee believes an investigation is warranted
- A copy of the final report of the Inquiry phase, a copy of the interim report of the allegation phase, and all supporting documentation will be sent to the Chief Academic Officer. The material will be maintained by the Chief Academic Officer for a minimum of seven years.
- A copy of the final report shall also be sent to the respondent and the complainant.

- If a determination has been made that an investigation is warranted and projects utilizing federal or federal flow-through funds are involved, the Executive Director of the OSP shall be notified so that individual can report, as required by the federal regulations, to the federal sponsor of the onset of a formal investigation.

A complete record of the interviews conducted by the inquiry official or committee shall be made and retained. During the Inquiry and (if necessary) the Investigation phase, the respondent may be accompanied by a personal representative from within the Stevens community who may observe, but not participate, in the proceedings.

Unless the Chief Academic Officer has further concerns, a recommendation that an investigation is not warranted will be final.

### **C. THE INVESTIGATION**

If the inquiry described in “B” above leads to the conclusion that an investigation is warranted, it will be guided by the following considerations:

- The formal investigation will begin within 30 days of the completion of the inquiry described in “B” above and after written notice to the respondent.
- The Chief Academic Officer shall, in consultation with the Faculty Council, appoint an Investigation Committee to carry out the investigation itself. Members of the Investigation Committee shall be individuals with background and expertise in the research areas to be considered in the investigation and may, if appropriate, include non-Stevens members who meet the qualification criteria. The investigation is to be completed and the final report sent to the Office of the Chief Academic Officer within 90 days (from the start of the investigation). If the investigation cannot be completed within this time frame, the Chief Academic Officer should be notified as soon as possible. In such cases, it may be necessary for the Chief Academic Officer to request an extension of time from any affected federal funding agencies.
- An investigation should normally include an examination of the relevant documentation, including but not limited to relevant research data and proposals, publications, correspondence, and memoranda/summaries/or notes kept regarding telephone calls.
- Complainants, respondents and witnesses who may have information related to the matter should be interviewed. Complete written summaries of each interview should be provided to the individual being questioned, and any of that individual’s comments should be appended to the summary, or reflected in a revised summary if the interviewee requests and if the interviewer agrees.
- All significant issues should be pursued until the Investigation Committee is reasonably certain that it has secured all necessary and appropriate information.
- A draft written report of findings shall be made available to the respondent with the opportunity to provide comments for the consideration of those conducting the investigation. Where identified and appropriate, complainants should also receive the portions of the draft report which concern the role or opinions they had in the investigation. Any comments on the draft from the respondent (and from the complainants, if applicable) shall be appended to the final report.

**NOTE:** if there is more than one respondent, and their involvements are found not to be identical, separate draft reports should be prepared, in order to preserve confidentiality.

- In addition to the interview summaries and comments by the respondent and complainant(s) (if applicable) on the draft report, the final written report to the Chief Academic Officer should include:
  - 1) A description of the policies and procedures followed
  - 2) How and from whom relevant information was obtained
  - 3) The findings and basis for them

#### **IV. SANCTIONS AND DETERMINATION OF DISCIPLINE**

In a case of research misconduct, if the Chief Academic Officer considers that sanctions may be warranted, the Chief Academic Officer shall refer the final report to the President. The report should be sufficient for the President to determine whether and what disciplinary action is warranted. If any sanctions result, the Chief Academic Officer shall be informed, and he/she will append that information to the final report.

Federal funding agencies have retained the right to impose additional sanctions, beyond those applied by the institution, upon investigators or institutions, if they deem such action appropriate in situations involving funding from their respective agencies; such agencies may also have standards of proof that differ from those used in Stevens' disciplinary proceedings.

In addition, in cases where research misconduct is found, the Chief Academic Officer may take all other appropriate actions (including the correction of the public record) as deemed necessary and advisable to address the consequences of the research misconduct.

In instances other than research misconduct, the Stevens policy on Dismissal, Suspension, or Other Sanctions (Faculty Handbook, Section 3), including the right to appeal, will apply.

#### **V. INTERNAL/STEVENS NOTIFICATION AND COORDINATION**

- A. In order to assure compliance with external sponsor notification requirements, Deans must report the following circumstances to the Executive Director of OSP in a timely manner:

- Commencement of an inquiry
- Conclusion of an inquiry, or notification that an investigation is warranted
- Consultation if an investigation will take more than 90 days to complete
- Conclusion of an investigation

If termination of an inquiry or investigation before its completion is contemplated for any reason, this should be reported and discussed with the Chief Academic Officer and the Executive Director of OSP.

- B. In addition, the Executive Director of OSP is to be advised at once if any of the following circumstances is discovered:

- An immediate health hazard, including an immediate need to protect human or animal research subjects
- An immediate need to protect federal or institutional funds or equipment
- An immediate need to protect the integrity of the research and/or the research misconduct inquiry/investigation
- An immediate need to protect the interests of those involved in the research misconduct inquiry/investigation
- Likelihood that an alleged incident is going to be reported publicly

- A reasonable indication of possible criminal violation(s)

NOTE: In emergency situations, Deans are authorized to take all appropriate actions, including notifying external agencies directly, if communication with the Executive Director is not possible in a timely manner. The Executive Director of OSP is also authorized to take all appropriate actions.

- C. The Dean or administrative official shall also take interim action as necessary to protect federal funds and the purposes of the federal grant or contract that may be involved. Such action is administrative and not disciplinary. The Dean or administrative official will inform the Executive Director of OSP.
- D. If, during an investigation, facts come to light that could affect current or potential funding of the person(s) under investigation, or that may, in the Chief Academic Officer's opinion, need to be disclosed in order to ensure proper use of research funds or protection of the public interest, these facts should be reported to the Executive Director of OSP as they are learned.

## VI. EXTERNAL/SPONSOR NOTIFICATION AND COORDINATION

Stevens will comply with the applicable requirements and regulations of its funding agencies, and will cooperate with those agencies in the agency(ies) own procedures in regard to research misconduct. In any particular situation, Deans or administrative officials are advised to review current regulations and requirements, and to consult with the Executive Director of OSP.

- A. When federal funding agencies are not involved, the President will make the decision whether information about the charges and their disposition will be disclosed publicly. This decision will normally be made upon the issuance of the final report. However, if require by urgent circumstances, such a disclosure may be made at any time. The President may consult with the other appropriate administrative and/or academic officials to the extent feasible and appropriate in such cases. Absent such urgency, Stevens will not make interim reports to outside agencies unless required by external regulation.
- B. In accord with the requirements of federal funding agencies, in cases involving research funded by those agencies, the agency will be informed in the following situation. Except as specifically described at the end of this section, the following notifications to federal funding agencies will be made only by the Executive Director of OSP, acting on behalf of the Chief Academic Officer, and on the basis of the information provided as a result of the Inquiry or Investigation phase(s).
  - **OUTCOME OF AN INQUIRY**  
Federal funding agencies will be notified of the outcome of an inquiry involving funds from their agency only if that outcome includes the recommendation to conduct an investigation. Documentation from inquiries, even those that do not recommend further investigation, will be made available by the Executive Director of OSP if the agency so requests.
  - **COMMENCEMENT OF AN INVESTIGATION**  
Written notification will be provided to federal funding agencies upon determination that an investigation will be conducted. This notice is to be provided on or before the commencement of the investigation, and must include all information required by the agency. Generally, this notice must include at the following:

- 1) Name(s) and Position(s) of the respondent(s)
- 2) General nature of the allegation(s)
- 3) The agency support, including any proposal or award numbers
- 4) The basis for the recommendation of an investigation
- 5) Any comments by the respondent

*This information will be held in confidence to the extent permitted by law.*

- **WRITTEN REQUEST FOR A TIME EXTENSION**

Although regulations generally permit 120 days for completion of the investigation and submission of the final report, Stevens requires the Investigation Committee to consult with the Executive Director of OSP if it appears that the final report will take more than 90 days to complete. This allows 30 days for the disciplinary process, if it is decided to pursue one. The final report to the federal agency must include a statement about the sanction (if any) imposed by the institution.

If the investigation and determination of discipline are likely to take more time than specified by the relevant funding agency's regulations to complete, the Executive Director of OSP will so notify the federal funding agency, including reasons for the delay, interim progress reports, the estimated date of completion of the report, and any other necessary information. If an extension is granted, the agency may (if so provided by its regulations) require the submission of periodic interim reports, or the agency may undertake its own investigation prior to the institution's completion of its investigation.

- **INTERIM REPORTS**

Federal funding agencies must be apprised during an investigation of facts that may affect current or potential funding of the individual(s) under investigation, or that may need to be disclosed in order to ensure proper use of federal funds or protection of the public interest.

- **EARLY TERMINATION**

Federal funding agencies must be notified of any decision to terminate an inquiry or investigation prior to the completion of all relevant requirements. This notice must include the reasons for such action. Some agencies have retained the right to investigate the matter further on their own.

- **FINAL OUTCOME**

Federal funding agencies will be notified of the final outcome of an investigation involving their funded project(s), and provided with a complete copy of the final report.

- **SPECIAL EMERGENCY NOTIFICATIONS**

In addition, federal funding agencies will be informed at any stage of an inquiry or investigation if any of the following is discovered:

- 1) An immediate health hazard, including an immediate need to protect human or animal subject
- 2) An immediate need to protect federal or institutional funds or equipment
- 3) An immediate need to protect the integrity of the research and/or the research misconduct inquiry/investigation
- 4) An immediate need to protect the interests of those involved in the research misconduct inquiry/investigation
- 5) A likelihood that an alleged incident is going to be reported publicly
- 6) A reasonable indication of possible criminal violation(s)

In special emergency circumstances as shown above, the Dean or the administrative official shall attempt to reach the Executive Director of OSP (by phone; in writing, or by email).



However, each Dean or administrative official is authorized to make such reports directly to the agency, and to so inform the Executive Director of OSP afterwards.

## VII. CAUTIONS AND ASSISTANCE

- A. The gathering and assessing of information in cases of alleged research misconduct can be extremely difficult. **It is *essential* to protect the professional reputations of those involved, as well as the interests of the public and of any who might be harmed by the alleged misconduct.** In the course of conducting inquiries or investigations, the following provisions are applicable:
- Expert assistance should be sought as necessary to conduct a thorough and authoritative evaluation of all evidence, including the participation of personnel from outside Stevens. In such cases, appropriate legal and financial protection shall be afforded to all members of Inquiry and Investigation committees.
  - Precautions should be taken to avoid unresolved personal, professional or financial conflicts of interest on the part of those involved in the inquiry or investigation.
  - The anonymity of respondents and, if they wish it, the confidentiality of complainants shall be protected (where feasible), and care shall be taken to protect the positions and reputations of those involved in the research (including research subjects) and in the research misconduct proceeding from harm (including retaliation). Except as required in the reporting provisions above, only those directly involved in an inquiry or investigation or with a need to know should be aware that the process is being conducted or have any access to information obtained during its course. Where appropriate, efforts will be made to restore the reputations of the respondent(s) when allegations are not confirmed.
- B. Because this policy is designed primarily to protect the integrity of the public research record, instances of alleged research misconduct by students in practicum-type courses, and in coursework and classroom activities where no federal funding is involved, may in many cases be better addressed by the Division of Student Life (see [50.1 Student Code of Conduct](#)) rather than through the procedures of this policy. Such determination of applicability or non-applicability should be made in light of the particular facts and circumstances of a student's case.
- C. Question on the applicability and interpretation of this policy should be directed to the Office of the Chief Academic Officer and the Executive Director of OSP.

### ACKNOWLEDGEMENTS:

- 1) The University of Chicago "Policy on Academic Fraud"
- 2) The University of Michigan "Policy Statement on the Integrity of Scholarship"
- 3) Stanford University "Research Misconduct: Policy on Allegations, Investigations and Reporting"

### OTHER RELATED DOCUMENTS:

- 1) [Stevens Faculty Handbook](#)
- 2) [Stevens Honor System](#)