

St. Mary's College of Maryland
POLICY AND PROCEDURES REGARDING SCIENTIFIC MISCONDUCT

Preface

St. Mary's College of Maryland is committed to the ideals of honesty, personal integrity, and professionalism as necessary to the proper proposing, conducting, and reporting of scientific research. We recognize that scientific integrity is the shared responsibility of all faculty members, staff, and students of the College. Suspected misconduct in science involving research and/or research training should be reported to the appropriate College authorities.

The following policies and procedures are designed to implement this general policy statement and apply to all research conducted in the behavioral, natural, and social sciences.

Definitions

- a. **MISCONDUCT IN SCHOLARLY WORK:** Misconduct in scholarly work may take many forms; these guidelines apply, but are not limited to, the following examples of misconduct:
1. Falsification of data. Ranging from fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with the intent to falsify results.
 2. Improper experimental manipulation. For example, Manipulating experiments to obtain biased data.
 3. Plagiarism. For example, taking credit for an exact copy or the rewritten or rearranged work of another.
 4. Improper assignment of credit. For example, insufficiently or knowingly not citing the work of others including associates and students, or inadequately identifying the repetition of data or material that appears in more than one publication.
 5. Abuse of confidentiality. For example, improper use of information gained by privileged access, such as information obtained through service on peer review panels and editorial boards.
 6. Deliberate violation of regulations. For example, failure to comply with regulations concerning the use of human subjects, the care of animals, or health and safety of individuals and the environment.
 7. Misappropriation of funds or resources. For example, the misuse of funds for personal gain.
- b. **INQUIRY:** Information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- c. **INVESTIGATION:** The formal gathering and evaluation of all relevant facts to determine if misconduct has occurred.

Policy

The issue of misconduct in scholarly activity is a matter of serious concern not only to the College and other institutions performing research, but also to the faculty, agencies sponsoring research, and the general public.

St. Mary's College of Maryland requires that intellectual honesty and the highest ethical standards in research be maintained, and relies primarily on the acceptance of responsibility by each member of the College community to adhere to professional standards of conduct in all research activity. In cases where charges of misconduct in research are raised, expeditious fact-finding and objective peer review in a setting of procedural due process are essential and should be characterized, at the minimum, by prompt notification of the individual(s) who is the subject of the inquiry, protection of the rights and confidentiality of both that individual(s) and the complainant(s) to the extent possible, and, if appropriate, application of timely corrective actions, sanctions, and penalties.

To ensure the aforementioned principles, the Chair of the Institutional Review Board will be the recipient of any questions or charges regarding misconduct in science. The Institutional Review Board Chair will forward

the charges to the Provost, who will delegate authority to the Chair and membership of the Institutional Review Board to conduct an inquiry, or to form a special committee of the Institutional Review Board to conduct an inquiry, and to recommend action on the charges of misconduct in science.

Inquiry Procedures

Upon receipt of charges of misconduct, the Chair of the Institutional Review Board shall send a confidential notification containing information on the charges to the subject(s) of the inquiry, the subject's immediate supervisor(s), and the Provost of the College. These charges may be brought by either internal sources (i.e., faculty, staff, students) or external sources (i.e., funding agencies or other outside sources).

The Institutional Review Board will have 60 calendar days (unless circumstances clearly warrant a longer period) to conduct a confidential inquiry, including but not limited to interviews and examination of relevant documents, data, and to decide whether misconduct exists and whether other College faculty or personnel were involved. A written report shall be prepared that states the conclusions of the inquiry, including a recommendation concerning disposition of the case. The Committee will distribute its written report and recommended actions through the Provost of the College to the Department Chair(s) appropriate for the subject(s) of the inquiry. The individual(s) against whom the allegations were made shall be given a copy of the report of inquiry. Any written comments made by the accused on this report shall become a part of the official record of the inquiry.

Records of the details of the inquiry must be maintained for a period of 3 years after termination of the inquiry. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period. Records of the inquiry will be destroyed after the period of 3 years. The subject(s) of the inquiry will be notified by the Office of the Provost that such action has taken place.

Upon request of the agency sponsoring the research, records of the inquiry shall be provided to the requesting agency as quickly as possible.

Investigation Procedures

Following the report of the Institutional Review Board, the Provost will determine whether the findings from the inquiry provide sufficient basis for conducting an investigation. If the Provost determines that an investigation is warranted, the Institutional Review Board will undertake, or form a committee to undertake, an investigation within 30 days of the Provost's decision.

An institutional decision to initiate an investigation must be reported in writing to the agency sponsoring the research on or before the date the investigation begins. At a minimum, the notification should include the name(s) of the person against whom the allegations have been made, the general nature of the allegations, and the application or grant number(s) involved. Although primary responsibility for the conduct of investigations and inquiries lies with St. Mary's College of Maryland, a sponsoring agency may perform its own investigation at any time prior to, during, or following an institution's investigation. All documentation included in the official record of the investigation shall be available to the sponsoring agency upon its request.

The investigation, which shall normally be completed within 120 days of its initiation, unless circumstances warrant otherwise, will include, but is not limited to: searching for and gathering evidence, preparing the report of findings, making that report available for comments by the subjects) of the investigation, and submitting the report to the agency sponsoring the research.

The investigation will include the examination of all documentation, including, but not necessarily limited to, relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. Whenever possible, interviews should be conducted with all individuals making the allegations and those against whom the allegations were made, as well as other individuals who might have information regarding key aspects of the allegations. Complete summaries of these interviews should be prepared, and each interviewed party provided with an opportunity to review his/her summary for comment or revision. The interview summaries will be included as part of the official investigatory file.

As part of the investigation process, the Institutional Review Board investigative committee shall:

1. Secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence in any inquiry or investigation. Clerical support to the Committee will be provided by the Provost's Office.

2. Take precautions against real or apparent conflicts of interest on the part of those involved in the inquiry or investigation.
3. Prepare and maintain the documentation to substantiate the investigation's findings. This documentation is to be made available to the sponsoring agency through the Office of the Provost.
4. Recommend interim administrative actions to be taken by the Provost, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.
5. Keep the agency sponsoring the research, through the Office of the Provost, apprised of any developments during the course of the investigation which disclose facts that may affect current or potential sponsored funding for the individual(s) under investigation, or that the sponsoring agency needs to know to ensure appropriate use of sponsored funds and otherwise protect the public interest.
6. Undertake diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed, and also undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

If the Committee determines that it will not be able to complete the investigation in 120 days, it must submit a written request for an extension to the Provost. This request must contain an explanation for the delay, an interim report on progress to date, and an estimate of the date of completion of the report and other necessary steps. Any consideration for an extension must balance the need for a thorough and rigorous examination of the facts against the interests of the subject(s) of the investigation and the sponsoring agency in a timely resolution of the matter. If the Provost concurs with the request, the Provost shall forward the request for extension to the sponsoring agency for approval. If an extension is granted by the sponsoring agency, the institution must file periodic progress reports as requested by that agency. If satisfactory progress is not made in St. Mary's College of Maryland's investigation, the agency sponsoring the research may undertake an investigation of its own.

The Institutional Review Board is expected to carry investigations through to completion, and to pursue diligently all significant issues. If the Institutional Review Board committee plans to terminate an investigation for any reason without completing all relevant requirements under this policy, a report of such planned termination, including a description of the reasons for such termination, must be made to the Provost, who will then decide whether further investigation should be undertaken. The Provost shall forward the Committee's recommendation to the agency sponsoring the research.

A final report will be submitted to the Provost and Department Chair(s) of the individual(s) whose conduct was subject to this inquiry and investigation. The final report 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 been either engaged in, or blameless of, misconduct, as well as a description of any recommended actions to be taken by the institution.

The Provost, in concert with the appropriate Department Chair(s), and the Institutional Review Board, will make a concerted and diligent effort to restore and protect the professional reputation of any individual(s) found to be blameless of misconduct.

The Provost shall submit the final report to the sponsoring agency and the President of the College, including the disciplinary action to be taken which could include sanctions ranging from an oral reprimand by the immediate supervisor to dismissal from the College. An appeal of the above action(s) may be made by the individual(s) being disciplined in accordance with the policy presented in the Appeal Procedures section of this document.

Upon receipt of the final report of investigation and supporting materials, the agency sponsoring the research will review the information in order to determine whether the investigation has been performed in a timely manner and with sufficient objectivity, thoroughness, and competence. The sponsoring agency may then request clarification or additional information and, if necessary, may perform its own investigation.

In addition to sanctions that the institution may decide to impose, the sponsoring agency also may impose sanctions of its own upon investigators or institutions based upon the authority it possesses or may possess, if such action seems appropriate.

Special Considerations

The Chair of the Institutional Review Board is responsible for notifying the Provost should the committee ascertain at any stage of the inquiry or investigation that any of the following conditions exist:

1. There is an immediate health hazard involved;
2. There is an immediate need to protect federal funds or equipment;
3. 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/their co-investigators and associates, if any;
4. It is probable that the alleged incident is going to be reported publicly; and/or,
5. There is a reasonable indication of possible criminal violation. In that instance, the institution must inform the sponsoring agency within 24 hours of obtaining that information.

Under these circumstances, the Provost shall notify the agency sponsoring the research as soon as possible.

Appeal Procedures

If the subject(s) of the investigation wishes to appeal disciplinary actions implemented by the Provost as a result of an investigation, he or she may request an appeal within one week from the date of notification. The Provost will notify the agency sponsoring the research that an appeal process has been initiated. Following receipt by the Provost of a written request for an appeal, the subject and the Provost will have two weeks to form a special appeals committee of three members chosen from the faculty or professional staff of the College. The membership of the special appeals committee will consist of one member of the committee chosen by the individual lodging the appeal, one member chosen by the Provost, and one member acceptable to both the appellant and the Provost.

The appeal will be heard by the special appeals committee and the committee will report in writing, with recommendations, to the President of the College within 60 days. The procedures of the appeals committee must be those outlined in this policy for investigations of scientific misconduct. The appeals committee shall have access to all documentation and reports from the previously completed inquiry and investigation and may gather further evidence appropriate to the appeal.

Within two weeks of receiving the report of the appeals committee, the President of the College will make the final decision on the appeal and report to the individual lodging the appeal, the Provost, Department Chair(s), and the agency sponsoring the research. Upon receipt of the final report of President and supporting materials, the agency sponsoring the research may review the information and may then request clarification or additional information and, if necessary, perform its own investigation.

Administrative Provision

These policies and procedures regarding scientific misconduct will be distributed to the relevant faculty and administrative staff of St. Mary's College of Maryland each year by the Office of the Provost.