

Appendix 6

Policy and Procedural Guidelines for Misconduct in Research and Scholarship

The following revisions to the Handbook reflect compliance with Federal standards

The creation and dissemination of knowledge are primary missions of the University. Accordingly, the University should foster an environment in which research flourishes. Such an environment requires the integrity of faculty, students, and staff who conduct research and scholarship. Furthermore, faculty, investigators, and other supervisors need to ensure the integrity of research and scholarship conducted under their direction.

Despite the University's best intentions and efforts, departures from accepted standards of integrity and honesty may occur. Thus, the University must have policies that define misconduct in research and scholarship, procedures for the inquiry into and investigation of alleged misconduct, and guidelines for the imposition of sanctions for proven misconduct.

The University assumes responsibility for resolving allegations and investigating misconduct in research and scholarship by its faculty, staff, and students. These responsibilities exist regardless of whether the activity is funded by federal, state, or private sources, or is the result of unfunded efforts.

This document contains policy and procedures for addressing misconduct in original research and scholarship.

A. Definition

At Western Washington University, misconduct in research and scholarship is defined as:

1. The intentional fabrication or falsification of data, research procedures, or data analysis; plagiarism; or other fraudulent activities in proposing, conducting, reporting, or reviewing research.
 - 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

2. The willful failure to comply with federal, state, or university requirements a) for protecting researchers, human subjects, and the public during research and b) concerning the humane treatment of animals used in research.
3. The use of research funds, facilities, or staff for unauthorized and/or illegal activities.
4. Research misconduct does not include honest errors, honest differences of opinion or differences in interpretation or judgments of data.

B. Clarifications

1. Hereinafter "misconduct" means misconduct in research and scholarship as defined above. This policy pertains to original research and scholarship only and is not intended to replace other policies dealing with academic conduct, such as integrity in class or course work.
2. "Inquiry" means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants investigation.
3. "Investigation" means the formal examination and evaluation of all relevant information to determine if misconduct has occurred.

C. Procedures

The Dean of a college and the Dean of the Graduate School/Vice Provost for Research (hereinafter referred to as the Vice Provost for Research) may receive allegations of misconduct in research and scholarship (typically in writing). However, the President of the University, through the Provost/Vice President for Academic Affairs (hereinafter referred to as the Provost) and through the College Deans and the Vice Provost for Research, is ultimately responsible for all research programs and activities conducted at the University. Therefore, the Provost shall be informed by the Deans of all allegations of misconduct in research and scholarship. Furthermore, the Provost shall consult with the University's Office of the Attorney General on all inquiries and investigations, and is responsible for directing inquiries into and investigations of misconduct in research and scholarship, and in meeting all reporting requirements established by federal and non-federal agencies.

The procedures of this policy are not exclusive of other mechanisms for the review of misconduct. In the case of review of allegations of misuse of funds, the University's Internal Auditor, and in some cases outside auditors, shall investigate and report to the proper administrators. In the case of alleged illegal activities, the President retains the power to direct investigations, take interim measures prior to or during any inquiry or investigation to preserve state property or resources, and request reports on alleged violations. Where an investigation of misconduct under this Policy may be duplicative, and where issues

of the proper conduct of scientific research are lacking, the Provost may decide not to conduct an investigation under this policy.

D. Administrative Procedures

1. **Inquiry:** An inquiry will be made immediately into allegations or evidence of possible misconduct. Inquiries will be conducted by the dean of the affected college or, if appropriate, the Vice Provost for Research, or their designees.

a. An inquiry should be completed within 60 calendar days of its initiation unless the Provost rules that circumstances warrant a longer period. At the commencement of the inquiry, the affected individuals will be informed about the nature and proposed extent of the inquiry. A written report shall be prepared that documents the evidence received, including summaries of interviews and the conclusions reached. The individuals against whom the allegation was made shall be kept informed of the inquiry procedure and be given a copy of the report of inquiry. If they comment on this report, their comments will be made part of the record. If the inquiry takes longer than 60 days, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period and record of agreement to the extension by the Provost and the individuals against whom the allegations are made.

b. Persons who have reported apparent misconduct will be protected to the extent possible under state law. Because the University (except for its police force) is not an investigatory or law enforcement agency, public records that are generated in the course of an inquiry or investigation are subject to disclosure under state public disclosure law, RCW 42.17.250 et seq., unless explicitly subject to the laws' exceptions.

c. The affected individuals will receive confidential treatment to the extent possible under state law; they are also entitled to a prompt and thorough inquiry, and they will have an opportunity to comment on allegations and the findings of the inquiry.

d. If it is determined that an investigation is not warranted, records will be maintained for one year in sufficient detail to permit subsequent assessment of that determination.

e. A decision on whether to proceed to a formal investigation shall be made by the Provost in consultation with the College Dean. If an investigation is deemed unwarranted, the Provost

and College Dean will take steps to protect the party or parties who made good faith allegations, and the individual(s) charged with misconduct. Also, the College Dean and the Provost will take such steps as they deem appropriate to repair any damage done to the reputation of individuals falsely accused.

f. In case of apparent false and malicious accusations, an inquiry will be initiated by the Provost and Dean of the accuser(s). The accused person may also request such an inquiry.

2. **Investigation:** If warranted, an investigation will begin following the inquiry as described under (1).

a. Investigations will begin, within 30 days of the completion of the inquiry, by a committee appointed by the Provost, and comprised of at least three faculty members familiar with the research or scholarship included in the alleged misconduct; and, including at least one faculty member whose academic appointment is outside of the college of the accused individual(s).

b. The investigation will include examination of all pertinent documentation, publications and correspondence, and any memoranda related to telephone calls. Whenever possible, interviews will be conducted with all individuals involved in making the allegation, or against whom the allegation is made, or other individuals who might have information pertinent to the allegations. Summaries of the interviews will be prepared, provided to the interviewed parties for comment or revision, and included as part of the investigation file.

c. Precautions will be taken to prevent real or apparent conflicts of interest on the part of those involved in the investigation.

d. Diligent efforts will be made, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed.

e. Documentation will be prepared and maintained to substantiate the investigation's findings.

f. An investigation of misconduct will be completed within 120 days of its initiation. This includes conducting the investigation, preparing a report of the findings, and making the report available for comment to the subjects of the investigation.

- g. A finding of research misconduct requires that:

 - There be significant departure from accepted practices of the relevant research community; and
 - The misconduct be committed intentionally, or knowingly, or recklessly; and
 - The allegation be proven by a preponderance of evidence.

- h. When allegations of misconduct or evidence of false and malicious accusations have been substantiated, appropriate sanctions will be fashioned, subject to review through the Faculty Grievance Procedure, Student Rights and Responsibilities Code, the State of Washington Higher Education Personnel rules and regulations, the Washington State Administrative Procedure Act (Ch. 34.05 RCW) and rules adopted pursuant thereto, and the present document. When allegations of misconduct in research and scholarship involve the use of federal funds, the following additional steps will be followed:

- i. The College Dean or Vice Provost for Research will notify the relevant federal agency prior to an investigation and within 30 days following the completion of an inquiry. If there is indication of criminal violations, the College Dean or Vice Provost for Research will notify the relevant federal agency within 24 hours of obtaining appropriate evidence.

- j. When appropriate, documentation of the investigation's findings will be made available to a relevant federal agency.

- k. The University will be responsible for notifying relevant federal agencies if any of the following exist during an inquiry or investigation: an immediate health hazard, an immediate need to protect extramurally obtained funds or equipment, an immediate need to protect any parties involved; or if the incident is going to be reported publicly, in the case of possible criminal violation.

- l. Interim administrative actions will be taken, as appropriate, to protect federal funds and insure that the purposes of federal financial assistance are carried out.

- m. The University will keep the relevant federal agency apprised of any developments during the course of the investigation which may affect current or potential funding for the individual under investigation or are necessary for the federal agency to protect the public interest.

n. The report of the investigation, completed within 120 days, will be submitted to the relevant federal agency along with the final outcome of the investigation.

o. While the University is primarily responsible during the period of inquiry and investigation, a relevant public agency may perform its own investigation at any time prior to, during, or following the University's investigation and may impose sanctions determined by its own investigation.

3. **Adjudication:** Within 15 days of receiving the committee report the subjects of the investigation may file a written response with the Provost. The Provost shall review the report of the findings prepared by the committee as well as any responses by the subjects-. This review shall be completed within 30 days of receiving the committee report. If the Provost agrees with the findings of misconduct, the Provost may impose any of the following sanctions depending on the severity of the misconduct.

Letters of reprimand;

The imposition of special certifications or assurances to ensure future compliance with ethical standards; Suspension or termination of the project;

Suspension or dismissal of the persons (see. Faculty Handbook section XV.F.1).

4. **Appeals:** The persons found to have committed scientific misconduct may appeal the decision of the Provost in writing to the President of the University within 30 days of receiving the Provost's decision. The President shall reach a decision within 15 days of receiving the appeal. The decision of the President is final.

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Based on definitions in the **Federal Register**/ Vol. 65, No. 235, p. 76262-

Federal Register/ Vol. 65, No. 235, p. 76262.