

Policies and Procedures on Research Misconduct

Recognizing that honesty in the conduct of academic research is fundamental to its integrity and credibility, and to the maintenance of public trust in the university, the UW-Eau Claire adopts these policies and procedures for reviewing and investigating allegations of research misconduct.

Policy and Definition

For purposes of these policies and procedures, “misconduct in research” or “misconduct” means fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, reviewing, or reporting research.

Misconduct in research is prohibited at the UW-Eau Claire and may be cause for discipline or dismissal.

Procedures

(1) Inquiry upon allegation or other evidence of possible misconduct.

(a) Informal allegations or reports of possible misconduct in science shall be directed initially to the person with immediate responsibility for the work of the individual against whom the allegations or reports have been made. The person receiving such an informal report or allegation is responsible for either resolving the matter or encouraging the submission of a formal allegation or report. Upon receipt of formal allegations or reports of scientific misconduct, the person with immediate responsibility for the work of the individual against whom the allegations or reports have been made shall immediately inform, in writing, the Vice Chancellor.

(b) The Vice Chancellor shall appoint an individual or individuals to conduct a prompt inquiry into the allegation or report of misconduct.

i. The individual or individuals conducting the inquiry shall prepare a written report for the Vice Chancellor describing the evidence reviewed, summarizing relevant interviews and including the conclusions of the inquiry.

ii. The inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the reasons for exceeding the 60-day period shall be documented and included with the record.

iii. The individual against whom the allegation was made shall be given a copy of the report of the inquiry by the Vice Chancellor and shall have an opportunity to respond to the report within 10 days of receipt. Any response must be in writing and will become a part of the record of the inquiry.

iv. To protect the privacy and reputation of all individuals involved, including the individual in good faith reporting possible misconduct and the individual against whom the report is made, information concerning the initial report, the inquiry and any resulting investigation shall be kept confidential and shall be released only to those having a legitimate need to know about the matter.

(c) If the inquiry concludes that the allegation of misconduct is unsubstantiated, and an investigation is not warranted, the reasons and supporting documentation for this conclusion shall be reported to the Vice Chancellor, who shall be responsible for reviewing the conclusion of the inquiry. If the Vice Chancellor concurs in the conclusion that an investigation is not warranted, his or her determination, and all other supporting documentation from the inquiry shall be recorded and the record maintained confidentially for a period of three years after the termination of the inquiry. If the inquiry or the Vice Chancellor determines that an investigation is warranted, the procedures in paragraph (2) shall be followed.

(2) Investigation of reported misconduct in science.

(a) If an investigation is determined to be warranted under paragraph (1), the Vice Chancellor shall inform the Chancellor. The Chancellor shall immediately appoint a committee to conduct the investigation. The committee shall be composed of impartial faculty members possessing appropriate competence and research expertise for the conduct of the investigation, and no faculty member having responsibility for the research under investigation or having any other conflict with the university's interest in securing a fair and objective investigation, may serve on the investigation committee. If necessary, individuals possessing the requisite competence and research expertise who are not affiliated with UW-Eau Claire may be asked to serve as consultants to the investigating committee.

(b) The investigation must be initiated within 30 days of the completion of the inquiry. The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. Interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as others who might have information regarding key aspects of allegations. Summaries of interviews conducted shall be prepared, and provided to the parties

interviewed for their comment or revision. These summaries shall be made a part of the record of the investigation.

(c) The individual making the allegation and the individual against whom the allegation is made, and all others having relevant information shall cooperate fully with the work of the investigating committee and shall make available all relevant documents and materials associated with the research under investigation.

(d) The investigation should ordinarily be completed within 120 days of its initiation. This includes conducting the investigation, preparing the report of the findings, making that report available for comment by the subjects of the investigation, and submitting the report to the Chancellor. If the investigating committee determines that it cannot complete the investigation within the 120-day period, it shall submit to the Chancellor a written request for an extension explaining the need for delay and providing an estimated date of completion. If the research under investigation is funded by an agency within the Public Health Service (PHS), the procedures under paragraph (3) (d) of this policy shall also apply.

(e) The report of the investigation should include a description of the policies and procedures under which the investigation was conducted, information obtained and the sources of such information, an accurate summary of the position of the individual under investigation, the findings of the committee, including the bases for its findings, and the committee's recommendation to the Chancellor concerning whether the evidence of scientific misconduct is sufficient to warrant discipline or dismissal under the applicable faculty or academic staff personnel rules. All documentation substantiating the findings and recommendation of the investigating committee, together with all other information comprising the record of the investigation, shall be transmitted to the Chancellor with the report, upon completion of the investigation.

(f) A copy of the investigating committee's report shall be provided to the individual being investigated. The Chancellor or appropriate administrative officer shall afford the individual under investigation an opportunity to discuss the matter prior to taking action under paragraph (3) of this policy.

(3) Reporting to Office of Research Integrity (ORI) where research is funded by PHS grants. Where research is funded by an agency within PHS:

(a) A determination that an investigation should be initiated under paragraph (1) (c) must be reported in writing to the ORI Director on or before the date the investigation begins. The notification should state the name of the individuals against whom the allegations of scientific misconduct have been made, the general nature of the allegations, and the PHS application or grant numbers involved.

(b) During the course of the investigation, the granting agency should be apprised of any significant findings that might affect current or potential funding of the individual under investigation or that might require agency interpretation of funding regulations.

(c) The ORI must be notified at any stage of an inquiry or investigation if the university determines that any of the following conditions exist:

- i. There is an immediate health hazard involved;
- ii. There is an immediate need to protect federal funds or equipment;
- iii. There is an immediate need to protect the interests of the person making the allegations or of the individual who is the subject of the allegations as well as his or her co-investigators and associates, if any;
- iv. It is probable that the alleged incident is going to be reported publicly;
- v. There is a reasonable indication of possible criminal violation. In that instance, the university must inform ORI within 24 hours of obtaining that information.

(d) If the university is unable to complete the investigation within the 120-day period, as described above, the Vice Chancellor must submit to ORI a written request for an extension and an explanation of the delay, including an interim progress report and an estimated date of completion of the investigation. If the request is granted, the institution must file periodic progress reports as requested by the ORI. If satisfactory progress is not made in the institution's investigation, the ORI may undertake an investigation of its own.

(e) If the university plans to terminate an inquiry or investigation for any reason without completing all the relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to ORI, which will then decide whether further investigation should be undertaken.

(f) Upon completion of the investigation, UW-Eau Claire will notify ORI of the outcome, in a report which shall include the information and documentation specified in paragraph (2) (e) of this policy.

(4) Other action following completion of investigation.

(a) If the allegation of scientific misconduct is substantiated as a result of an investigation, the Vice Chancellor shall notify the agency, if any, sponsoring the research project of the result of the investigation. In such a case, the individual involved will be asked to withdraw all pending abstracts and papers emanating from the scientific misconduct, and the Vice Chancellor will notify editors of journals in which relevant papers appeared. In additions, other institutions and sponsoring agencies with which the

individual has been affiliated shall be notified if, based on the results of the investigation, it is believed that the validity of previous research by the individual under investigation is questionable.

(b) Where research misconduct is substantiated, the UW-Eau Claire will take appropriate action, which may include discipline or dismissal, with regard to the employment status of the individual or individuals involved. Applicable personnel rules, policies and procedures set forth in Chapters UWS 4,6,11, and 13, Wisconsin Administrative Code and related university policies shall govern discipline or dismissal actions resulting from an investigation of scientific misconduct.

(c) Where allegations of research misconduct are not substantiated by the investigation, the UW-Eau Claire shall make diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct, and to protect the positions and reputations of those persons who, in good faith, make allegations.

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