THE UNIVERSITY OF MICHIGAN

STANDARD PRACTICE GUIDE

SECTION:	Research	**Number:**	303.3
		Revised:	7/1/94
SUBJECT:	Policy Statement on the Integrity of Scholarship and Procedures for Investigating Allegations of Misconduct in the Pursuit of Scholarship and Research	**Date Issued:**	
		Attachment(s)	0
APPLIES TO:			
ISSUED BY:	Vice President for Research		

I. Policy Statement on Integrity of Scholarship

A. Integrity in scholarship and teaching is a fundamental value upon which the University is founded. Without integrity, we could not justify the privilege of academic freedom intrinsic to scholarship and education, nor could we provide to society the advancements of knowledge that derive from free and open inquiry.

B. It is, therefore, a fundamental responsibility of the faculty, staff, students, and administration of the University of Michigan to maintain the trust of the public in all research and scholarly activity. It is the shared responsibility of all members of our academic community to assure that misconduct in academic endeavors is dealt with in a timely and effective manner, and that the reputation of the University for high standards of scholarly integrity is preserved.

C. Some lapses in integrity are more serious than others. Lesser offenses, such as carelessness or questionable research practices, should be handled through the normal administrative channels. Other situations are sufficiently grave that they require University review through an inquiry or formal investigation. The procedures outlined in this document govern the steps to be taken in handling major offenses. It is critical to distinguish serious academic misconduct from honest error and the differences of interpretation that are inherent in the scientific and creative process and are normally corrected through further research and scholarship.

D. The University community views serious academic misconduct as potential grounds for termination of employment under appropriate University procedures.

E. Misconduct in the pursuit of scholarship and research includes at least the following major offenses.

1. Fabrication of data: dishonesty in reporting results, ranging from fabrication of data, improper adjustment of results, and gross negligence in collecting or analyzing data to selective reporting or omission of conflicting data for deceptive purposes;

2. Plagiarism: taking credit for someone else's work or ideas, stealing others' results or methods, copying the writing of others without proper acknowledgment, or otherwise falsely taking credit for the work or ideas of another.

3. Abuse of confidentiality: taking or releasing the ideas or data of others which were shared with the legitimate expectation of confidentiality, e.g., stealing ideas from others' grant proposals, award applications, or manuscripts for publication when one is a reviewer for granting agencies or journals;

4. Falsification in research: deliberately misrepresenting research, including the progress of research, to a research sponsor;

5. Dishonesty in publication: knowingly publishing material that will mislead readers, e.g., misrepresenting data, particularly its originality, misrepresenting research progress, or adding the names of other authors without permission;

6. Deliberate violation of regulations: flagrant and repeated failure to adhere to or to receive the approval required for work under research regulations of Federal, State, local, or University agencies, including, but not limited to, guidelines for the:

   protection of human subjects
   protection of animal subjects
   use of recombinant DNA
   use of radioactive material
   use of hazardous chemicals or biologicals
   conduct of classified research

7. Property violations: stealing or destroying the property of others, such as research papers, supplies, equipment, or products of research or scholarship;

8. Failure to report observed major offenses: covering up or otherwise failing to report major offenses or breaches of research ethics by others that one has observed;

9. Retaliation: taking punitive action against an individual for having reported alleged major offenses.

II. Procedures for Reporting and Investigating Allegations of Serious Academic Misconduct

A. Applicability

1. These procedures apply only to allegations or other indications of serious misconduct in scholarship and research, which shall include, but not be limited to, the major offenses listed above.

2. These procedures apply to all instructional faculty, primary researchers, and other staff members, including without limitation graduate student research assistants, graduate student teaching assistants, graduate student staff assistants, undergraduate students employed in research or other scholarly activity, postdoctoral fellows and postdoctoral research associates, visiting faculty or staff, faculty or staff on sabbatical leave, adjunct faculty when performing University work, and faculty or staff on leave without pay.

    a) These procedures apply to students only when acting in their employment or service capacity, and not as students per se. In cases in which the student or employee status of the accused is unclear, the responsible administrator (herein called the director) shall elect whether to employ these procedures or other procedures available for the investigation and adjudication of alleged academic misconduct by students. Schools and colleges have procedures for handling allegations of academic misconduct by students, such as, the "Academic Integrity: Policy and Procedures" of the Horace H. Rackham School of Graduate Studies. Questions about applicability may be directed to the Office of the General Counsel.

    b) Staff members subject to the terms and conditions of collective bargaining agreements should consult the specific provisions in their current agreements dealing with misconduct. Any provisions in such agreements which differ from the provisions stated herein supersede the affected regulation of this policy. Information concerning staff members covered by collective bargaining agreements may be obtained from the personnel service center.

3. If the accused is no longer employed by the University, these procedures may nonetheless be used, at the discretion of the appropriate director and upon the advice of the Vice President for Research and the Office of the General Counsel, as a means of ascertaining the culpability of the accused.

B. Reporting and Investigation

1. General Comments

    a) Reporting suspected academic misconduct is a shared and serious responsibility of all members of the academic community. Allegations should not be made capriciously, but indications or evidence of fraud or misconduct must not be ignored. Confidential advice about University

policy and procedures is available at any time from the Office of the Vice President for Research or the Office of the General Counsel.

b) The procedures that follow have five sequential stages: an inquiry (Section 4) to determine whether an allegation or other indications of misconduct warrant further investigation; (2) reporting on the inquiry (Section 5); (3) when warranted, an investigation (Section 6) to collect and thoroughly examine evidence; (4) formal findings (Section 7) of the investigation; and (5) resolution and outcome (Section 8).

c) Because of the potential jeopardy to the reputation and rights of an accused, great care must be taken to conduct both inquiry and investigation in a way that preserves confidentiality, providing information only to those with a need to know. The procedures that follow are intended to safeguard the rights of the accused and the accuser, if an accuser exists, and to recognize the interest of the University community in academic integrity. The University will protect, to the best of its ability, the privacy of those who, in good faith, report apparent misconduct. The University will also provide to the accused individual(s) confidential treatment to the best of its ability, an expeditious and thorough investigation, and an opportunity to comment on all allegations during the inquiry stage and, if initiated, during the investigation.

d) The integrity of the process will be maintained by disclosure and evaluation of any prejudicial conflict of interest. Individuals judged by the Vice President for Research or the Executive Vice President for Academic Affairs or the Chancellor, as appropriate, to have a conflict of interest that would jeopardize the credibility of the inquiry or investigation will not be assigned decision-making roles in the process.

e) It is a violation of University policy to retaliate against an individual for reporting in good faith an allegation of academic misconduct.

2. Federal Requirements

a) The National Science Foundation and the Public Health Service have published formal regulation regarding the investigation of allegations of misconduct involving activities funded by those agencies (See Exhibit A). Each of these regulations contains a definition of scientific misconduct, prescribes certain time limits for inquiries and investigations, and requires reporting to the agencies under certain conditions and at specified stages in the process.

b) The Vice President for Research, in consultation with the General Counsel, will determine the applicability of external regulations in each

particular case. The University will comply with the requirements of the Federal regulations.

c) At any stage in the process of inquiry, investigation, formal finding, and disposition, the University may take interim administrative action to protect Federal funds.

3. Allegations

a) Allegations of academic misconduct and the basis for them should be communicated confidentially and preferably, though not necessarily, in writing to the dean, director or department head (hereafter collectively, "director") in charge of the unit(s) in which the accused is employed, to the Office of the Chancellor, as appropriate, to the Office of the Vice President for Research, or to the Office of the General Counsel.

b) Upon receipt of an allegation or other indication of misconduct, the director shall inform the General Counsel, who shall inform the Vice President for Research. The Vice President for Research, in consultation with the director, the Chancellor, as appropriate, and the General Counsel, shall designate an individual or individuals without conflicts of interest to conduct an inquiry into the allegation or other indication of misconduct.

4. Inquiry

a) An inquiry is information gathering and initial fact-finding to determine whether the allegation or apparent instance of misconduct warrants a formal investigation. An inquiry is not a formal hearing. It is intended to separate serious allegations deserving further investigation through this process from trivial, frivolous, unjustified, or clearly mistaken allegations, or from situations that clearly do not involve serious academic misconduct and which may be appropriately pursued through other administrative channels.

b) The Office of the Vice President for Research will oversee the inquiry process.

c) The Vice President for Research shall secure the necessary and appropriate assistance to insure a thorough and authoritative evaluation of the allegation(s). Such assistance will typically include an individual with training and/or experience in the conduct of inquiries. With the additional assistance, if needed, of an expert in the academic discipline involved, either from within the University or elsewhere, the inquiry shall determine promptly whether the allegation

or other indication of misconduct appears sufficiently well-founded to warrant a formal investigation.

d) Upon initiation of an inquiry, the accused shall be informed of the allegation(s) or other indication(s) of misconduct.

e) During the inquiry, every reasonable effort shall be made to keep confidential the identity of the accused and the accuser(s). Suspect data should be sequestered. Sufficiently detailed documentation shall be kept to permit later assessment of the adequacy of the inquiry. (This is particularly important in those instances in which the Vice President for Research determines that a formal investigation is not warranted.) The documentation will be kept in a secure manner.

5. Reporting on the Inquiry

a) The individual(s) appointed to conduct the inquiry shall prepare a written report. It shall include a statement of the allegation, a description of the evidence reviewed, summaries of the relevant interviews, and the conclusions of the inquiry. It shall contain an assessment of whether there is sufficient evidence to warrant a formal investigation.

b) If the inquiry concludes that an investigation is warranted, the accused shall be provided the opportunity to comment on the report and any such comment will become part of the record. The individual who made the allegation may review and comment on that portion of the report directly related to the testimony or other evidence brought forth by that individual.

c) The report of the inquiry, along with any formal comments on the report, shall be forwarded to the Vice President for Research. The Vice President for Research shall notify the Executive Vice President for Academic Affairs, the Chancellor, as appropriate, the Office of the General Counsel, and any other appropriate vice president or vice provost.

d) If the inquiry produces sufficient evidence to warrant a formal investigation, the Vice President for Research, the Executive Vice President for Academic Affairs or the Chancellor, as appropriate, will initiate a formal investigation. It is generally appropriate for the Executive Vice President for Academic Affairs (or Chancellor) to initiate the formal investigation if the accused is a tenured or tenure-track faculty member. If there is substantial evidence of serious misconduct and if the accused is a faculty member to whom Regents' Bylaw 5.09 (R 5.09) applies, the Executive Vice President for Academic

Affairs (or Chancellor) may, at his or her discretion, initiate the procedures required by the Bylaw as a substitute for the investigation outlined below.

e) The Vice President for Research, or a designee, in consultation with the General Counsel, shall decide if and when external funding agencies, if any, are to be notified, what any such notification shall include and to whom it shall be directed. Any such notice shall be provided by the Vice President for Research.

f) The director and the vice president concerned, in consultation with the General Counsel, will determine what additional notification is necessary. Every reasonable effort will continue to be made to protect the identity of the accused and the accuser(s) from all except those who have a legitimate need to know.

g) If the inquiry does not produce sufficient evidence to warrant a formal investigation, the Vice President for Research, after consultation with the General Counsel, shall so inform any persons involved in the inquiry to whom the identity of the accused was disclosed.

h) Unsupported allegations of academic misconduct not brought in good faith may lead to disciplinary action against the accuser.

6. Investigation

a) An investigation is the formal examination and evaluation of all relevant facts to determine if a major offense has taken place.

b) Upon determining that a formal investigation is warranted, the appropriate Vice President or Chancellor shall appoint an ad hoc investigating committee, the composition and size of which shall be determined by the Vice President or Chancellor. The committee should include at least one faculty member who is an expert in the general academic field of the accused and may also include one or more such experts from outside the University.

c) The appropriate Vice President or Chancellor shall inform the accused of the initiation of the investigation, the composition of the ad hoc investigating committee, and the charge to that committee.

d) The General Counsel or designee shall advise the ad hoc investigating committee on procedural matters.

e) The ad hoc investigating committee shall gather evidence and reach a determination promptly (within 120 days of appointment, in the

absence of extraordinary circumstances) of whether formal charges of misconduct should be brought. A committee determination to bring charges should also include recommended sanctions (e.g., reprimand, demotion, or discharge) or other actions appropriate for resolution of the matter.

f) The ad hoc investigating committee shall secure the necessary and appropriate expertise to carry out a thorough investigation and authoritative evaluation of the relevant evidence.

g) During the formal investigation, every reasonable effort shall be made to keep confidential the identity of those accused and the accuser(s), if any, from third parties. However, at this stage the accused shall normally be entitled to know the identity of all witnesses called before the committee. Cases that depend specifically upon the observations or statements of the complainant cannot proceed without the involvement of that individual; other cases that can rely on documentary evidence may permit the complainant to remain anonymous.

h) At fact-finding meetings of the committee, but not during its deliberations, the accused shall be permitted to be present with counsel, whose role shall be limited to advising the accused.

i) The ad hoc committee shall keep the accused and the appropriate Vice President or Chancellor apprised of any additional allegations or other developments during the course of the investigation.

j) In cases which present potential danger to third parties, e.g., hospital patients or research subjects, or which require interim measures pending final resolution through the formal investigation, the appropriate Vice President or Chancellor may meet with the accused for the purpose of imposing a temporary suspension of duties without loss of pay, pending conclusion of the formal investigation. At such a meeting, the accused shall be informed of the reasons for consideration of a temporary suspension and afforded the opportunity to oppose such action. The accused may be accompanied by counsel at such a meeting.

7. Formal Findings of the Investigation

a) The ad hoc committee shall oversee the preparation of complete summaries of interviews conducted during the course of the investigation. These summaries shall be provided to the interviewed party for comment or revision and included as part of the investigation file.

b) The ad hoc committee shall prepare a written report on the results of the investigation and its recommendations regarding outcome. The accused shall be provided the opportunity to comment on the report and such comment will become part of the record. The person(s) who raised the allegation shall be provided with those portions of the report that describe their role and opinions in the investigation.

c) The ad hoc committee shall submit its report, along with the complete investigatory file, to the Vice President or Chancellor who appointed it. The Vice President or Chancellor shall decide on what actions to take in light of the report. He or she shall notify the accused, the Vice President for Research, the appropriate dean or director, and any other appropriate vice president or vice provost of the decision. In consultation with the General Counsel and other appropriate vice presidents and vice provosts or chancellors, the Vice President for Research shall then decide if and when external funding agencies, if any, are to be notified, what any such notification shall include, and to whom it should be directed. Any such notice shall be provided by the Vice President for Research.

d) Investigatory files will be maintained in a secure manner in the Office of the General Counsel.

8. Resolution and Outcome

a) The University will undertake efforts, as appropriate and feasible, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed, and also undertake efforts to protect the positions and reputations of those persons who, in good faith, made allegations.

b) If a misconduct determination is made, the next step depends on the kind of appointment the accused holds and on the seriousness of the sanction recommended.

(1) Faculty Cases Covered by Regents' Bylaw 5.09.

If the ad hoc investigating committee recommends a sanction of dismissal, demotion or terminal appointment against a faculty member to whom Regents' Bylaw 5.09 applies, the Executive Vice President for Academic Affairs or Chancellor, as appropriate, may initiate the procedures required by the Bylaw.

(2) Faculty Cases in Which Bylaw 5.09 Does Not Apply.

In cases to which R 5.09 does not apply, but which are covered by a school or college faculty grievance procedure, the dean shall decide on the appropriate outcome, which the faculty member may then challenge through the applicable faculty grievance procedures. The substantive determination of misconduct shall not, however, be subject to challenge.

(3) Other Cases.

In cases to which R 5.09 does not apply, and which are not covered by an applicable faculty grievance procedure, the appropriate University manager and Personnel Department shall then initiate procedures required by the University's Standard Practice Guide 201.12, "Discipline," or the appropriate collective bargaining agreement.

Questions regarding these procedures may be directed to the Office of the General Counsel or the Office of the Vice President for Research.

Exhibit A

*The Public Health Service (PHS) Regulations, effective November 8, 1989, appear in 42 CFR Part 50 Subpart A and implement section 493 of the Public Health Service Act.

Copies of the regulation, entitled "Responsibilities of Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science," are available from the Office of the Vice President for Research, 3-1289.

PHS Initial Reporting Expectations

1. Notify the Director of the Office of Scientific Integrity when, on the basis of the initial inquiry, the institution determines that an investigation is warranted or prior to the decision to initiate an investigation under the following conditions:

a) There is an immediate health hazard involved.
b) There is an immediate need to protect Federal funds or equipment.
c) 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 co-investigators and associates, if any.
d) It is probable that the alleged incident is going to be reported publicly.
e) There is a reasonable indication of possible criminal violation. In that instance, the institution must inform OSI within 24 hours of obtaining that information. OSI will immediately notify the Office of the Inspector General.

The National Science Foundation (NSF) Regulations, effective July 1, 1987, appear in 45 CFR Part 689. Copies of the regulation, entitled "Misconduct in Science and Engineering Research," are available from the Office of the Vice President for Research, 3-1289.

NSF Reporting Expectations

1. Inform NSF immediately if an initial inquiry supports a formal investigation.

2. Keep NSF informed during such an investigation.

3. Notify NSF even before deciding to initiate an investigation or as required during an investigation

   1) if the seriousness of apparent misconduct warrants;
   2) if immediate health hazards are involved;
   3) if NSF's resources, reputation, or other interests need protecting;
   4) if Federal action may be needed to protect the interests of a subject of the investigation or of others potentially affected; or
   5) if the scientific community or the public should be informed.

June 1994