

MISCONDUCT IN RESEARCH OR SCHOLARLY ACTIVITY

I. Philosophy

MSUM is committed to integrity in research or scholarly activity by faculty and staff and will deal promptly and fairly with any allegation of misconduct in research pursuant to the following procedures administered by the Vice President of Academic Affairs (VPAA), President of the MSUM Faculty Association, or chief representative of any appropriate bargaining unit of the involved individuals and appropriate Dean or Vice President (hereafter referred to as Screening Committee).

II. Definition

Academic misconduct involves some form of fraudulent behavior that entails an act of deception whereby one's work or the work of others is misrepresented. Misconduct is distinguished from honest error and from ambiguities of interpretation that are inherent in the scientific process. Further, misconduct involves significant breaches of research integrity that may take numerous forms such as, but not limited to, those outlined below:

A. Fabrication and Falsification of Data

Fabrication and falsification of data ranges from creating data to deceptive selective reporting of findings and purposeful omission of conflicting data.

B. Improprieties of Authorship

Plagiarism and other improper assignment of credit such as excluding others, or claiming the work of another as one's own.

C. Misappropriation of Other's Ideas

Unauthorized use of information or influence gained by privileged access, such as service on peer review panels, editorial boards and policy boards of research funding organizations.

D. Violation of Generally Accepted Research Practices

Intentional manipulation of experiments to obtain biased results; improper statistical analytical manipulations.

E. Violation of Federal, State, or University Rules Governing Research or Scholarly Activity

Including, but not limited to, those regarding use of funds, care of animals, human subjects, investigational drugs, DNA, new devices, and radioactive, biological, or chemical materials.

F. Inappropriate Behavior in Relations to Misconduct

Includes inappropriate accusation of misconduct, withholding or destruction of

information relevant to a claim of misconduct, and retaliation against persons involved in the allegations or investigation of misconduct.

III. Compliance

All procedures used in investigating misconduct must be in compliance with the appropriate bargaining unit agreement and applicable state and federal laws.

IV. Disposition of Allegations

A. Initial Phase

1. Questions about, or suspicions of, misconduct in research or scholarly activity should be brought to the attention of the VPAA for confidential counseling and possible informal resolution.
2. Official allegations of misconduct shall be presented to the Screening Committee in writing. The Screening Committee will acknowledge allegations in writing to the person or persons bringing charges. A copy of the written allegations shall be provided to the subject of the inquiry.

B. Review and Decision of Initial Findings.

1. In reviewing the allegation, the Screening Committee must discuss independently with each of the parties the issues involved with the possibility and hope of resolution at this stage of the inquiry. The Screening Committee must decide within 15 working days of receipt of written complaint of alleged misconduct whether to refer the allegations to the Committee of Inquiry. The decision for referral must be by majority vote. The party charged must be informed in writing of the decision.

C. Committee of Inquiry

1. The Committee of Inquiry is a standing sub committee of the Faculty Development and Grants Committee. It is comprised of three faculty representatives and one MSUAASF representative. (If the Committee of Inquiry deems it necessary, one of these four members may be replaced by an expert in the field of the researcher or scholar being charged.) The fifth member of the Committee of Inquiry may be chosen by the person(s) being accused.
2. The Screening Committee shall charge, in writing, the Committee of Inquiry to conduct a confidential inquiry based on separate communications with the parties. The purpose of the inquiry is to determine if there is reason to believe that misconduct has occurred.

The inquiry should be limited to activities necessary to determine whether to recommend a formal investigation. The identities of the parties will be kept confidential by members of the Committee.

3. The Committee of Inquiry has 30 working days from the day it receives the written notification from the Screening Committee to conduct the inquiry including completion of the written report of findings. If the inquiry cannot be reasonably completed within 30 working days, the Committee may request an extension of up to 30 calendar days from the Screening Committee.
4. If three or more members of the Committee of Inquiry recommend that a formal investigation be conducted, the Screening Committee must ask the President to appoint a Committee of Investigation. If only one or two members of the Committee of Inquiry recommend a formal investigation, the Screening Committee by majority vote may dismiss the allegation.
5. If the allegation of misconduct has been made in good faith, even if the committee of Inquiry is not able to substantiate it, the university must protect the person making the allegation, in keeping with the federal and the state "whistleblower" policies. The institution must guard against negative repercussions to the whistleblower.
6. In the event the Committee of Inquiry determines that the allegations have been made in a capricious or malicious manner, it will report this to the Screening Committee for appropriate disciplinary action.
7. When a decision is made to establish a Committee of Investigation, the party charged must be informed in writing by VPAA of the exact charges and given 15 working days from the date on the written memo to respond in writing prior to initiating the investigation. Sponsoring agencies shall be informed if appropriate or mandated.
8. The office of VPAA shall maintain in a secure manner all documentation relating to the inquiry, including the written report, for a period of at least three years after the completion of the inquiry.

D. Committee of Investigation

1. The Committee of Investigation will be an ad hoc committee of five members. The President of the university will appoint the members in consultation with the Screening Committee. One member of the Committee will have been part of the Committee of Inquiry. At least one will be an expert from outside the university.

2. The Office of Scientific Integrity, a component within the Office of the Director of the National Institutes of Health, will be notified in writing by the VPAA that an investigation will be conducted if the situation is related to a Public Health Services Grant (Department of Health and Human Services). The notification will take place within 72 hours of the decision to investigate.
3. The Screening Committee shall charge, in writing, the Committee of Investigation to conduct a thorough investigation of the allegation to determine if misconduct has occurred. The Committee should have access to all persons and information needed to determine the extent to which misconduct has occurred. Otherwise, the investigation should be confidential. The investigation must commence within 30 calendar days of the completion of the inquiry.
4. The Committee of Investigation has 90 calendar days from the receipt of written charges from the Screening Committee to complete the investigation, including preparation of the written report.
5. The Committee of Investigation will prepare a written report which thoroughly documents the extent to which misconduct has occurred. This report will be given to the Screening Committee and to the person(s) under investigation. In addition, the Committee of Investigation may recommend to the Screening Committee a course of action based on their findings.
6. All documentation concerning the allegation and findings will be kept in the office of VPAA for three years following the acceptance of the final report. The Federal agency involved will receive a copy of the final report, as will the college dean or vice president and the President. The VPAA shall take appropriate administrative action to protect Federal funds and ensure that the purposes of Federal financial assistance are being carried out.

E. Appeal

The person(s) under investigation has 30 calendar days following the receipt of the report from the Committee of Investigation to file an appeal of the findings of the Committee with the President, whose decision shall be final.

F. Determination of Action

1. Following the President's decision, based on the report and following any appeal therefrom, the VPAA will determine and take appropriate action which, in addition to the notification of funding agencies,

journals, co-authors, and professional organizations and/or licensing boards, may include specific sanctions with referral to the cognizant university officer for disciplinary action.

2. Imposition of sanctions or disciplinary actions shall be pursuant to university procedures governed by the agreement between the appropriate bargaining unit and the Minnesota State Colleges and Universities relating to grievances or appeals and pursuant to any hearings or appeals accorded to individuals subject to dismissal for cause.
3. University procedures shall be designed to ensure appropriate confidentiality and protection of the rights of all involved parties and shall comply with the provisions of the Minnesota Data Practices Act.

G. Public Health Service Grants (Department of Health and Human Services)

If the situation is related to a Public Health Service Grant (Department of Health and Human Services), the VPAA is responsible for notifying the Office of Scientific Integrity, a component within the Office of the Director of the National Institutes of Health, if the VPAA determines at any stage of the initial phase, 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 co-investigators and associates, if any;
4. It is probable that the alleged incident is going to be reported publicly;
or
5. There is a reasonable indication of possible criminal violation. In that instance, the VPAA must inform the Office of Scientific Integrity within 24 hours of obtaining that information

[APAC 12/05/95, Modified, 1/15/97]

