

APPENDIX E

POLICIES AND PROCEDURES FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

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HOWARD UNIVERSITY POLICIES AND PROCEDURES FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

Approved by the Board of Trustees on November 16, 1990

PREAMBLE

Howard University upholds the scientific method in the conduct of research and is unequivocally committed to the ethical conduct of research by its personnel and students. Individuals charged with supervision of research, as well as all individuals directly engaged in research, and collaborators of researchers outside their own laboratories bear obligations to pursue their studies in an ethical manner. All researchers bear responsibility for the quality of all data that they publish. A requirement of valid experimental observation is that the data and/or the conditions of obtaining the data can be verified, either by scrutiny of accurate records made at the time of experimentation or by repetition of the experiments.

Willful misconduct in the pursuit of basic, clinical or applied research at Howard University is intolerable behavior for faculty, staff and students. Misconduct is defined as any deviation from accepted ethical practices in proposing, implementing or reporting research. It includes, but is not limited to, fabrication, falsification, plagiarism, misrepresentation of research data, or violation of Federal, State or institutional rules regarding research subjects, drugs or devices. It is the direct responsibility of all University personnel to maintain the highest standards of ethics and professional integrity in the performance of and in the reporting of research activities. Infractions of this policy constitute grounds for disciplinary action such as removal from a particular project, letter of reprimand, monitoring of future work, probation, suspension, salary reduction, rank reduction, or termination of employment. Misconduct may also result in the suspension or dismissal of a student or trainee from the University.

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It is recognized that accusations of scientific misconduct are among the most serious charges that can be lodged against a researcher. Any person contemplating such accusations should fully consider the gravity of the accusation and its consequences, and should make every reasonable effort to avoid lodging charges that are devoid of a substantial element of truth. Frivolous or false accusations may also constitute grounds for disciplinary action.

Howard University recognizes and proposes that free and open scientific discourse must continue at this institution. Accordingly, researchers are strongly encouraged to continue their scientific endeavors. This policy is developed in order to provide an orderly process for dealing with allegations of scientific misconduct and to comply with requirements of sponsoring organizations.

DEFINITIONS

- A. MISCONDUCT is defined as any deviation from accepted ethical practices in proposing, implementing or reporting research. It includes, but is not

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limited to, fabrication, falsification, plagiarism, misrepresentation of research data, or violation of Federal, State or institutional rules regarding research subjects, drugs or devices. It does not include honest error or honest differences in interpretations or judgments of data.

- B. INQUIRY is defined as an informal information-gathering and initial fact-finding process to determine whether an allegation of misconduct warrants an investigation.
- C. INVESTIGATION is defined as a formal examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place. If misconduct is confirmed, the investigation should determine the seriousness of the offense and the extent of any adverse effects resulting from the misconduct.

PREVENTING OR AVOIDING SCIENTIFIC MISCONDUCT

The University recognizes that efforts to prevent or avoid scientific misconduct may also effectively impede or impair scientific pursuits. However, there are measures that researchers and/or administrators can take to create a climate of openness in research and which in turn will tend to discourage scientific misconduct. These measures, examples of which are set forth below, should not be construed as mandatory, but are mere suggestions which in many instances are already regularly practiced by researchers.

1. **Maintain and store raw data** upon which research conclusions are based in a safe environment. The raw data are the best protection against claims of fabricated or falsified research. Researchers are encouraged to consider backup systems for raw data.
2. **Preview research proposals and manuscripts** with colleagues of equal or greater experience. This may serve to improve the technical/scientific quality of the proposal or manuscript, while also providing for corroboration of research ideas and timing.
3. **Present research findings** at departmental or other faculty meetings. This also provides for more open discourse among colleagues for the mutual protection of individual researchers leading to an enhanced climate of integrity and objectivity.
4. **Adhere to established standards of ethics** regarding authorship of publications. All authors named on a collaborative study accept full responsibility for the work published or at least for that portion of the research for which they were responsible. Researchers should be familiar with established guidelines and should also adhere to requirements set by individual publishers.
5. **Consider the Possibility of holding staff meetings** for the purposes described in paragraphs 2 and 3 above. Such a forum would be useful in enlisting the department's assistance in solving administrative and other problems involving research projects. Department heads might consider requesting a file copy of each research manuscript submitted for publication.
6. **Encourage the incorporation of formal coursework**, for example, seminars on bioethics, into the curriculum, making this subject an integral part of the research and educational experience.

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APPOINTMENTS

A. Committee on Scientific Misconduct

The President of the University will appoint a Committee on Scientific Misconduct consisting of seven members. The Committee shall comprise tenured faculty members and/or senior administrators with one at-large student/trainee or staff member. The President shall appoint one member as chairman.

B. Misconduct Policy Officer

The President of the University shall appoint an individual to serve as the Misconduct Policy Officer. This individual will be responsible for

- (a) working with any individual who wishes to pursue an allegation of scientific misconduct to develop a specific, formal, written complaint;
- (b) providing staff and other support assistance for inquiries and investigations;
- (c) maintaining records of all allegations and institutional responses; and
- (d) serving *ex officio* (without vote) on any inquiry or investigative groups considering allegations of misconduct. The President shall provide the Misconduct Policy Officer with sufficient resources to carry out the functions of the office.

GUIDELINES FOR HANDLING ALLEGATIONS OF SCIENTIFIC MISCONDUCT

Whenever an accusation of scientific misconduct is brought to the attention of the University, the University will notify the funding agency 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 the individual(s) who is the subject of the allegations as his/her co-investigators and associates, if any;
- (4) It is probable that the alleged incident is going to be reported publicly;
- (5) There is a reasonable indication of possible criminal violation, in which event, the University will notify the funding agency within 24 hours of obtaining the that information.

Whenever an accusation of scientific misconduct is brought to the attention of the University, the charges should be directed to the Misconduct Policy Officer. This officer shall work with individuals who have a specific scientific misconduct allegation against a current or former Howard University researcher. The Misconduct Policy Officer will assist the individual in the development of a signed formal complaint for referral to the Committee on Scientific Misconduct. The Misconduct Policy Officer will take steps to protect the privacy of individuals making reports in good faith.

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In the case of anonymous allegations, the Misconduct Policy officer will record the allegation and all preliminary information gathered in connection with the allegation. The Misconduct Policy Officer will consult with the Dean/Director of the unit involved in the anonymous allegation and will convene a group of no more than three individuals to determine whether the anonymous allegation should be referred to the Committee on Scientific Misconduct for inquiry.

The Misconduct Policy Officer will refer all allegations to the Committee on Scientific Misconduct within five (5) working days of receipt of the allegation. The Committee on Scientific Misconduct will determine whether there is sufficient information to warrant an initial inquiry.

INITIAL INQUIRY

Once the Committee determines that an informal inquiry is warranted, the Chairman shall, within three (3) working days of the referral, appoint an Inquiry Board consisting of three members from the Committee on Scientific Misconduct to conduct the inquiry. No member of the Inquiry Board shall have a primary appointment in the department of the respondent or Complainant. The Misconduct Policy Officer is an ex officio (without vote) member of the Inquiry Board and is responsible for maintaining the records of the Inquiry Board's deliberations.

An Inquiry consists of information-gathering and initial fact-finding to determine whether an allegation of misconduct warrants an investigation. The Inquiry Board shall immediately notify the respondent along with the dean/director of the relevant college or unit that an allegation of scientific misconduct has been received. Private and separate sessions will be held to hear the accuser, if identified, the respondent, and others as determined necessary by the Inquiry Board.

All relevant evidence that is produced shall be reviewed and secured. All persons meeting with the Inquiry Board may be accompanied by a representative of their choice. Refusal on the part of the respondent to allow the Inquiry Board to review necessary documents shall be grounds for an investigation.

An Investigation will be triggered when the inquiry phase uncovers information which tends to support the allegation or which raises questions as to possible misconduct that can only be resolved by formal investigation. The Inquiry Board shall take no more than thirty (30) days from the date the Misconduct Policy officer was first notified of the allegation to conduct its inquiry and determine whether a formal investigation is warranted. If the inquiry exceeds the thirty (30) day period, the Inquiry Board shall document the reason(s) for the delay. The Inquiry Board shall make a formal report consisting of the allegation, the Inquiry Board's findings, and a recommendation on future actions. The report can recommend that either:

1. Information collected during the inquiry does not substantiate the allegation and a formal investigation is not warranted; or
2. The allegations have sufficient substance to warrant further investigation.

A copy of the report and recommendations shall be sent to the complainant, respondent, dean/director of the college or unit, and the President through the appropriate Vice President. The respondent may comment on the report which will be made a part of the

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record. Records from the inquiry and any subsequent investigation will be maintained in a secure manner for a period of at least three years after the termination of the inquiry or investigation, and will be made available to authorized personnel of the funding agency upon request.

FORMAL INVESTIGATION

If the President concurs with the Inquiry Board's report, appropriate action will be taken. If an investigation is warranted, the President should notify the funding agency, if any, that an investigation is underway to determine if scientific misconduct has occurred. The University shall keep the funding agency apprised of any developments during the course of the investigation, including the status of current funds designated for use by the respondent.

The President shall appoint an Investigating committee consisting of no more than five (5) persons including at least one (1) member of the Committee on Scientific Misconduct and one (1) individual who is not affiliated with the University. The Investigating Committee should contain individuals with sufficient expertise and dedication to conduct a thorough investigation. Precautions should be taken to avoid real or apparent conflicts of interests on the part of those involved in the inquiry or investigation. University Legal Counsel shall advise the Investigating Committee.

The respondent along with the complainant shall be notified immediately that a formal investigation will occur. The University, the respondent, and the complainant may each be represented by counsel during the investigation, if desired. The investigation must be timely and thorough and provide the respondent with an opportunity to respond fully to the allegations. Although interviews during the investigation shall be conducted in a non-adversarial manner, the interviews shall be fully recorded by tape recorder or court reporter unless the Investigating Committee is otherwise advised by legal counsel. Each participant shall have an opportunity to review the transcript from his/her interview. The record of the interviews will become a part of the investigatory file.

Private and separate sessions will be conducted to hear the respondent, the accuser and others as deemed necessary by the Investigating Committee. All relevant evidence that is produced shall be reviewed and secured. Necessary support (e.g. clerical, gathering information, witnesses, organizational, security, record keeping and confidentiality) will be arranged by the Misconduct Policy Officer, who shall serve as an ex officio member (without vote) of the Investigating Committee.

The formal investigation shall be completed within 120 days after the completion of the informal inquiry. This includes conducting the investigation, preparing the report of findings, making the report available for comment, and submitting the report to the funding agency. The Investigating Committee will provide a written report of its findings, conclusions and recommendation, together with all pertinent documentation and evidence to the President along with a copy to the Committee on Scientific Misconduct. The investigation may result in various outcomes, including:

1. A finding of misconduct;
2. A finding that no culpable conduct was committed, but serious scientific errors were discovered;
3. A finding that no fraud, misconduct or serious scientific error was committed.

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The Investigating Committee's report shall set forth the nature of any violation, the severity of the infraction, and the effect of the violation on the particular research project as well as any other research being conducted at this University. The final report must 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 basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct, as well as a description of any sanctions or corrective measures recommended to be taken. Specifically, the report shall recommend whether corrective measures for information erroneously published or submitted for publication, such as letters of retraction or withdrawal of manuscripts from the publisher are warranted. Each member of the Investigating Committee shall sign the report or submit a signed dissenting report.

If the Investigating Committee determines that it will not be able to complete the investigation within 120 days, it must submit to the President a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps.

If misconduct is confirmed, the President, upon the recommendation of the Committee on Scientific Misconduct and the appropriate vice President(s), shall impose appropriate sanctions against the respondent. THE POLICIES AND PROCEDURES SET FORTH IN THIS DOCUMENT SHALL SUPERSEDE SIMILAR POLICIES PROVIDED IN THE HOWARD UNIVERSITY FACULTY HANDBOOK, EMPLOYEE HANDBOOK (NON-FACULTY), AND THE STUDENT JUDICIARY CODE OF CONDUCT WITH REGARD TO ALLEGATIONS OF SCIENTIFIC MISCONDUCT AND/OR FRAUD. Upon the receipt of an unfavorable report and recommendation from the Committee on Scientific Misconduct, but prior to a final determination by the President of the University, the respondent may petition the Committee for reconsideration of those findings and conclusions. The respondent must petition the Committee in writing no later than ten (10) calendar days after receipt of the Committee's report. Upon the conclusion of this process, the Committee's report shall be forwarded to the President for consideration. The decision of the President shall be final.¹⁸ The Committee's report and President's decision will be filed with the funding agency detailing the University's response to the allegation of scientific misconduct.

If misconduct is not substantiated, the committee's report shall so state and the University shall make diligent efforts to restore the reputation of the respondent. No disciplinary measures should be taken against the complainant and every effort should be made to prevent retaliatory action against the complainant if the allegations, however incorrect, are found to have been made in good faith. If the allegations are found to have been maliciously motivated, disciplinary actions may be taken against those responsible.

¹⁸ Tenured faculty members, however, retain the right to petition the Board of Trustees as provided in the Faculty Handbook