

Meredith College Policy and Procedures for Responding to Allegations of Research Misconduct

POLICY

Meredith College strives to foster an environment that promotes responsible and ethical conduct of research. Such an environment requires the integrity of faculty, students, and staff who conduct research and scholarship. Allegations of misconduct in research are to be directed to Meredith's Research Integrity Officer (RIO). The College assumes responsibility for resolving allegations and investigating incidents of misconduct by its faculty, staff, and students. These responsibilities exist regardless of whether the activity is funded by federal, state, or private sources, or are the result of unfunded efforts.

At Meredith College, misconduct in research and scholarship is defined as plagiarism or the intentional fabrication or falsification of data, research procedures, or data analysis. Misconduct also includes:

- Any other fraudulent activities in proposing, conducting, reporting, or reviewing research;
- Willful failure to comply with federal or state, requirements that protect researchers, human subjects, and the public during research, and
- Use of research funds, facilities, or staff for unauthorized and/or illegal activities.

Responsibility to Report Misconduct

All faculty, staff, and students will report observed or suspected research misconduct to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, she or he may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. At any time, an institutional member may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

Confidentiality

The RIO shall: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use written confidentiality agreements or other mechanisms to ensure that the recipient does not make any further disclosure of identifying information.

As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is established.

Protection of the Complainant, Witnesses and Committee Members

During the research misconduct proceeding and upon its completion, regardless of whether the institution or the national Office of Research Integrity (ORI) determines that research misconduct occurred, the RIO must undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The Responsible Administrator will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps the Responsible Administrator approves.

Completion of Cases; Reporting Premature Closures to ORI

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. The RIO must notify ORI in advance if there are plans to close a case at the inquiry or investigation stage on the basis that the respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to ORI.

Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities under 42 CFR Part 93. If the respondent, without admitting to the misconduct, elects to resign her or his position after the institution receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or Investigation Committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

Allegations Not Made in Good Faith

If relevant, the Responsible Administrator will determine whether the complainant's allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the Responsible Administrator determines that there was an absence of good faith he or she will determine whether any administrative action should be taken against the person who failed to act in good faith.

INQUIRY PROCEDURES

Assessment of Allegations

Upon receiving an allegation of research misconduct, the RIO will assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified and whether the allegation falls within the definition of research misconduct. If the criteria are met, the inquiry process will be initiated. The assessment period should be brief, preferably concluded within a week.

Notice to Respondent & Sequestration of Research Records

Before beginning an inquiry, the RIO must make a good faith effort to notify the respondent of the inquiry in writing. If the inquiry subsequently identifies additional respondents, they must be notified in writing as well. Before the inquiry begins, the RIO must take all reasonable and practical steps to obtain custody of the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner, except where the research records or evidence encompass scientific instruments shared by a number of users. In this case, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.

Appointment of the Inquiry Committee

The RIO, in consultation with the Responsible Administrator as appropriate, will appoint an Inquiry Committee and Committee Chair as soon after the initiation of the inquiry as is practical. The Inquiry Committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. The respondent will be notified of the proposed committee membership and be given an opportunity to object to a proposed member based upon a personal, professional, or financial conflict of interest. The respondent must submit objections within 10 calendar

days. The institution would make the final determination of whether a conflict exists.

Inquiry Process

The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to an investigation is warranted. At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed.

The Inquiry Committee will normally interview the complainant, the respondent, and key witnesses as well as examine relevant research records and materials. The Inquiry Committee will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted. The scope of the inquiry is not required to decide whether misconduct definitely occurred, only if an investigation is warranted. However, if an admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage. In that case, the institution shall promptly consult with ORI to determine the next steps that should be taken.

The inquiry, including preparation of the final inquiry report and the decision of the Responsible Administrator on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period.

Inquiry Report

The inquiry report should include: the names and titles of the committee members and experts who conducted the inquiry; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; and whether any other actions should be taken if an investigation is not recommended.

The RIO shall notify the respondent whether the inquiry found an investigation to be warranted, include a copy of or refer to 42 CFR Part 93 and Meredith's policies and procedures on research misconduct. The institution may notify the complainant whether the inquiry found an investigation to be warranted and provide relevant portions of the inquiry report to the complainant for comment within 10 days. A confidentiality agreement is a condition for access to the report. Any comments that are submitted by the respondent or complainant will be attached to the final inquiry report. Based on the comments, the Inquiry Committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

Inquiry Decision

The Responsible Administrator will receive the inquiry report and, after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted. Any finding that an investigation is warranted must be made in writing by the RIO and provided to ORI, together with a copy of the inquiry report, within 30 days of the finding. The RIO must provide the following information to ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation. If it is found that an investigation is not warranted, the RIO will ensure that detailed documentation of the inquiry is retained for at least 7 years after termination of the inquiry, so that ORI may assess the reasons why Meredith College decided not to investigate. These documents must be provided to ORI or other authorized US Department of Health and Human Services personnel upon request.

INVESTIGATION PROCEDURES

Investigation Process

On or before the date on which the investigation begins, the RIO must notify the ORI Director of the decision to begin the investigation and provide ORI a copy of the inquiry report. The investigation must begin within 30 calendar days after the determination that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible research misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged research misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice.

Notice to Respondent & Sequestration of Research Records

On or before the date on which the investigation begins, the RIO must notify the respondent in writing of the allegations to be investigated. The RIO must also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation. The RIO will, prior to notifying the respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceeding that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the institution's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

Appointment of the Investigation Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an Investigation Committee and the Committee Chair as soon after the beginning of the investigation as is practical. The Investigation Committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee.

The RIO will define the subject matter of the investigation in a written charge to the committee that:

- Describes the allegations and related issues identified during the inquiry;
- Identifies the respondent;
- Informs the committee that it must conduct the investigation by:
 - Using diligent efforts to ensure the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
 - Taking reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
 - Interviewing each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and recording or transcribing each interview, providing the recording or transcript to the interviewee for correction, and

including the recording or transcript in the record of the investigation; and

- Pursuing diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continuing the investigation to completion.
- Defines research misconduct;
- Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible;
- Informs the committee that in order to determine the respondent committed research misconduct it must find that a preponderance of the evidence establishes that: (1) research misconduct occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the research misconduct is a significant departure from accepted practices of the relevant research community; and (3) the respondent committed the research misconduct intentionally, knowingly, or recklessly; and
- Informs the committee it must prepare or direct the preparation of a written investigation report.

Investigation Process

The RIO will convene the first meeting of the Investigation Committee to review the charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The Investigation Committee will be provided with a copy of this statement of policy and procedures and 42 CFR Part 93. The RIO will be present or available throughout the investigation to advise the committee as needed.

The investigation is to be completed within 120 days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to ORI. However, if the RIO determines that the investigation will not be completed within this 120-day period, she or he will submit to ORI a written request for an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed with ORI, if ORI grants the request for an extension and directs the filing of such reports.

Interim Administrative Actions and Notifying ORI of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the PHS supported research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and ORI, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify ORI immediately if she or he has reason to believe that any of the following conditions exist: 1) Health or safety of the public is at risk, including an immediate need to protect human subjects; 2) HHS resources or interests are threatened; 3) Research activities should be suspended; 4) There is a reasonable indication of possible violations of civil or criminal law; 5) Federal action is required to protect the interests of those involved in the research misconduct proceeding; 6) The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved; or 7) The research community or public should be informed.

Investigation Report

The Investigation Committee and the RIO are responsible for preparing a written draft report of the

investigation that:

1. Describes the nature of the allegation of research misconduct, including identification of the respondent;
 - Describes and documents the Public Health Services (PHS) support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing PHS support;
 - Describes the specific allegations of research misconduct considered in the investigation;
 - Includes the institutional policies and procedures under which the investigation was conducted, unless those policies and procedures were provided to ORI previously;
 - Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
2. Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the committee's conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by the respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) identify the specific PHS support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with non-PHS federal agencies.

The RIO must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. The respondent will be allowed 30 days from the date she or he received the draft report to submit comments to the RIO. The respondent's comments must be included and considered in the final report. In distributing the draft report, or portions thereof, to the respondent, the RIO will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the RIO may require that the recipient sign a confidentiality agreement.

The RIO will assist the Investigation Committee in finalizing the draft investigation report, including ensuring the respondent's comments are included and considered, and transmit the final investigation report to the Responsible Administrator, who will determine in writing: (1) whether the institution accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the Investigation Committee, the Responsible Administrator will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the Investigation Committee. Alternatively, the Responsible Administrator may return the report to the Investigation Committee with a request for further fact-finding or analysis.

Investigation Decision

When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. After informing ORI, the Responsible Administrator will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

Unless an extension has been granted, the RIO must, within the 120-day period for completing the investigation, submit the following to ORI: (1) a copy of the final investigation report with all attachments;

(2) a statement of whether the institution accepts the findings of the investigation report; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

The RIO must maintain and provide to ORI upon request records of research misconduct proceedings including: the records the institution secures for the inquiry and investigation, documentation of the determination of irrelevant or duplicate records, the inquiry report and final documents produced in the course of preparing the report (including documentation of any decision not to investigate), the investigation report and all records in support of that report (including recordings or transcriptions of each interview), and the complete record of any institutional appeal. Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

Appeal of a Finding of Research Misconduct

The respondent will have no more than 15 days from the date of delivery of an Investigation Committee's final report of a finding of research misconduct to submit a written appeal of the research misconduct finding(s) to the RIO. The statement of appeal must clearly state (1) which findings of research misconduct the respondent is appealing and (2) the facts and analysis that the respondent believes the Appeals Committee should consider in deciding whether to overrule a finding of research misconduct.

Upon receiving a timely statement of appeal, the Responsible Administrator will appoint an Appeals Committee consisting of three people with sufficient expertise to evaluate the substance of the appeal, but with no prior involvement with the underlying Inquiry Committee, Investigation Committee or research in question. In considering an appeal, an Appeals Committee will be guided by the following principles:

1. All matters before the Committee requiring a decision will be decided by majority vote.
2. If the respondent claims that investigation procedures were unfair, the Committee will determine if the investigation was fairly conducted in a manner that was consistent with the Policy and these Procedures. The Appeals Committee may not overturn a finding of research misconduct based on a claimed procedural defect unless the committee verifies the defect and determines that (a) it actually prejudiced the ability of the respondent to prepare for and rebut an allegation of research misconduct and (b) the respondent made a timely, documented objection concerning the procedural defect so that the RIO or the Investigation Committee had the opportunity to correct the alleged defect at the time it occurred.
3. If the respondent claims that the evidence does not support a finding of research misconduct, the Appeals Committee must uphold the finding if the Investigation Report discloses any reasonable basis for the Investigation Committee's decision. An Appeals Committee has no authority to reweigh the evidence considered by the Investigation Committee or evaluate the Investigation Committee's decision on the basis of evidence outside the Investigation Committee record.
4. If a respondent's appeal tenders evidence that the respondent contends (a) is material to the Investigation Committee's determinations and (b) was unavailable to the respondent and the Investigation Committee at the time that the Investigation Committee made its determinations, and if the Appeals Committee concurs with the respondent on both (a) and (b), the Appeals Committee will inform the Responsible Administrator and RIO, who will direct the Investigation Committee to evaluate the new evidence and determine whether to amend its findings and final report. Pending that determination by the Investigation Committee's finding, the Appeals Committee will remain empaneled to decide the respondent's original appeal and any modified

appeal from a modified final report of the Investigation Committee.

The Appeals Committee will complete its evaluation of the records, reports and evidence and provide written notification of its decision to the Responsible Administrator via the RIO, who will provide copies to the respondent by the later of 30 days after the Committee was formed or 30 days after the Committee receives any amended appeal from an amended final report of the Investigation Committee, unless circumstances clearly require a longer period.

Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including ORI concurrence where required by 42 CFR Part 93, the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, and expunging all reference to the research misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation should first be approved by the Responsible Administrator. The RIO is responsible for implementing any steps the Responsible Administrator approves.