

MOUNT HOLYOKE

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Policies and Procedures for Responding to Allegations of Research Misconduct

Statement

Mount Holyoke seeks to prevent any instances of research misconduct, and takes seriously the need to investigate possible instances, while protecting the positions and reputations of those who file complaints in good faith, witnesses, and those asked to serve on committees, so that any necessary investigations may proceed without fear or favor.

In line with these values, and with all applicable federal regulations governing the conduct of research (including but not limited to [42 CFR Parts 50 and 93](#)), this document describes the policies and procedures to be followed in response to allegations of research misconduct (as defined below) involving a College faculty member or research associate on the staff of the College. Allegations of students' misconduct shall be referred to the dean of students for consideration according to established College procedures. In cases where alleged student misconduct is in connection with work on a federal grant, the dean of students shall notify the dean of the faculty of the progress of proceedings so that any required reports to the relevant federal agency can be made in a timely manner.

Scope / Responsibilities

"Research Misconduct" is defined as the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Research misconduct does not include honest error or differences of opinion.

"Respondent" is defined as the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding as described herein.

The deciding official (DO) shall be the dean of faculty. The DO shall appoint the Director of the Science Center as a research integrity officer (RIO), who will have primary responsibility for implementation of these policies and procedures. The RIO's responsibilities are summarized in Exhibit A.

All faculty and staff members and students have a responsibility to report observed, suspected, or apparent research misconduct to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may 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 of research misconduct.

Faculty and staff members, including respondents, as well as students are responsible to cooperate with the RIO and other institutional officials in the review of allegations of research misconduct and the conduct of inquiries and investigations. All have an obligation to provide evidence relevant to allegations of research misconduct to the RIO or other institutional officials.

Because allegations of misconduct may differ, the procedures outlined below intend to offer a broad framework for investigating such allegations. The confidentiality of all proceedings is essential.

Procedures

Assessment of Allegation

- (1) **Assessment:** Upon receiving a written allegation of research misconduct, the RIO shall assess the allegation to determine whether it warrants an inquiry. An inquiry is warranted if the allegation:
 - a. falls within the definition of research misconduct as set forth herein; and
 - b. is sufficiently credible and specific so that potential evidence of research misconduct may be identified.
- (2) **Notification and Evidentiary Matters:** If an inquiry is warranted, the RIO shall, at the time of or before beginning an Inquiry:
 - a. notify the respondent(s) of the allegation and intended inquiry; and
 - b. to the extent it has not already done so at the assessment stage, promptly take all reasonable and practical steps to obtain custody of all 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 that where the research records or evidence encompass scientific instruments shared by a number of users, 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. The RIO shall take custody of any additional items as they become known or relevant to the proceedings.

Inquiry

- (3) **Inquiry:** If an inquiry is warranted, the RIO shall undertake an inquiry, the purpose of which is

to conduct an initial review of the evidence to determine whether an allegation of research misconduct warrants an Investigation. (As such, an inquiry does not require a full review of all the evidence related to the allegation.)

An investigation is warranted if:

- a. there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct as set forth herein; and
- b. preliminary information-gathering and preliminary fact-finding from the Inquiry indicates that the allegation may have substance.

- (4) **Assistance with Inquiry:** In undertaking an inquiry, the RIO may consult confidentially with the respondent's department chair, division chair or chair of interdisciplinary programs or other knowledgeable individuals regarding the allegation. If the inquiry requires the review of specialized scientific data, or otherwise in the RIO's discretion, the RIO may engage two or more individuals, which may include individuals from outside the Mount Holyoke faculty, to assist with the Inquiry and with preparation of the Inquiry Report (an "Inquiry Panel").

The RIO shall (a) select individuals who possess the expertise appropriate to carry out a thorough and authoritative evaluation of the evidence; and (b) take steps to ensure that no person with an unresolved personal, professional, or financial conflict of interest is involved in a research misconduct proceeding.

- (5) **The DO shall have no direct participation in the inquiry.** The RIO (or the inquiry panel, as applicable) shall take confidential testimony from the individual(s) who filed the initial allegation(s) and from the respondent.

- (6) **Inquiry Report:** The RIO will prepare a written Inquiry Report which, at a minimum, shall contain the information set forth on Exhibit B hereto. The RIO shall notify the respondent whether the inquiry found that an investigation is warranted and provide the respondent an opportunity to review and comment on the draft Inquiry Report. Any comments received from the respondent shall be attached to the final Inquiry Report. The RIO may also, at its discretion, notify the complainant who made the allegation of research misconduct (the "complainant") whether the inquiry found that an Investigation is warranted and provide relevant portions of the report to the complainant for comment.

- (7) **Determination Whether to Conduct an Investigation:** The RIO will deliver the Inquiry Report to the DO. The DO will receive the Inquiry Report and, after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted under the criteria set forth in Paragraph (3) above. Any finding that an investigation is warranted must be made in writing by the DO and must be provided to the Public Health Service Office of Research Integrity (ORI) and/or any other relevant federal agency or office, together with a copy of the Inquiry Report, within 30 days of the finding and in any event on or before the date on which the investigation begins.

- (8) **Records of Inquiry:** Detailed documentation of the inquiry is retained for at least 7 years after termination of any inquiry (irrespective of outcome). If it is found that an investigation is not

warranted, the DO and the RIO will ensure that sufficient documentation is retained so that ORI may assess the determination not to conduct an investigation.

- (9) **Timing of Inquiry:** The Inquiry, including preparation of the final Inquiry Report and the decision of the DO 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 Report must include documentation of the reasons for exceeding the 60-day period.

Investigation

- (10) **Timing of Investigation:** In the event of a finding that an investigation is warranted, the investigation must commence within 30 days of such finding and conclude (including conducting the investigation and preparing, receiving comments on, finalizing, and submitting the Investigation Report) within 120 days, unless an extension is granted by the relevant agency.
- (11) **Notification and Evidentiary Matters:** If an investigation is warranted, the RIO shall, within a reasonable amount of time of the determination and before the investigation commences:
- a. notify the respondent(s) in writing of the investigation, including written notice of any new allegations not previously addressed; and
 - b. to the extent it has not already done so at the assessment or inquiry stage, take the actions described under 2(b) above.
- (12) **Investigative Committee:** If an investigation is warranted, the RIO will appoint an investigative committee in consultation with the DO and consistent with the requirements set forth in clauses (a) and (b) of Paragraph (4) above regarding expertise and absence of conflicts. The DO shall have no direct involvement in the investigation. The investigative committee shall consist of three to five persons, which may include one or more qualified persons from outside the Mount Holyoke faculty. The respondent shall be informed of the membership of the investigative committee.
- (13) **Investigation:** The investigative committee shall undertake a careful and thorough review of the facts of the allegation. This review shall include, as applicable:
- a. 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 record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation;
 - b. pursuing diligently all significant issues and leads discovered that are determined relevant to the Investigation, including any evidence of additional instances of possible research misconduct, and continuing the investigation to completion;
 - c. evaluating 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 and
 - d. determining whether a preponderance of the evidence establishes that:

- i. research misconduct, as defined in these Policies and Procedures, 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);
- ii. the research misconduct is a significant departure from accepted practices of the relevant research community; and
- iii. the respondent committed the research misconduct intentionally, knowingly, or recklessly.

In addition, the RIO and the investigative committee shall use diligent efforts to ensure that 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 of research misconduct, and take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical.

- (14) **Informing Respondent:** The respondent shall be kept informed of the procedures to be followed and of the nature of the evidence presented, and shall be given the opportunity to appear before the investigative committee to respond to the allegation(s).
- (15) **Documentation:** The RIO shall use diligent efforts to ensure that 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 the allegations.
- (16) **Investigation Report:** The investigative committee, under the direction of the RIO, shall produce a written Investigation Report, which shall include, at a minimum, the information set forth on Exhibit C hereto. The investigative committee must provide the respondent an opportunity to review and comment on the draft Investigation Report and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. The investigative committee may provide the complainant a copy of the draft Investigation Report or relevant portions of that report. Any comments of the respondent or the complainant must be submitted within 30 days of the date on which the draft was provided to the commenter. The investigative committee shall consider all comments received before issuing its final report.

Administrative Actions

- (17) **DO Determination:** The DO will receive the Investigation Report and, after consulting with the RIO and/or other institutional officials, determine in writing the extent to which the College accepts the conclusions in the Investigation Report and, if research misconduct has been found, make a recommendation to the president of the College as to what, if any, institutional administrative actions are appropriate. If this determination varies from the findings of the investigative committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigative committee. Alternatively, the DO may return the report to the investigative committee with a request for further fact-finding or analysis.
- (18) **Actions Following Conclusion of Investigation - When a final decision has been reached:**
 - a. the RIO shall notify both the respondent and the complainant in writing;

- b. the DO shall ensure that the final Investigation Report, the findings of the DO and a description of any pending or completed administrative actions are provided to ORI and/or any other relevant federal agency or office;
- c. the DO shall 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;
- d. the RIO shall ensure compliance with all notification requirements of funding or sponsoring agencies; and
- e. the RIO and the DO shall ensure that the College cooperates with any further federal investigations, proceedings or sanctions.

Interim Actions

- (19) **Interim Actions:** Notwithstanding the foregoing, at any stage in the process, the RIO shall have the authority to take interim action as needed, which may 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, and/or delaying publication. Interim action may be warranted if the RIO has reason to believe that:
- a. the health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
 - b. federal resources or interests are threatened;
 - c. the research activities should be suspended;
 - d. there is a reasonable indication of possible violations of civil or criminal law;
 - e. federal action is required to protect the interests of those involved in the research misconduct proceeding;
 - f. the research misconduct proceeding should be made public prematurely in order for federal action to be taken to safeguard evidence and protect the rights of those involved; or
 - g. the research community or public should be informed.
- (20) **Agency Notification:** In case of any of the above circumstances, ORI and/or any other relevant federal agency or office shall be notified immediately.

Confidentiality; Retaliation; Protection of Respondent's Reputation; Allegations Not Made in Good Faith

- (21) **Confidentiality:** Throughout the proceedings, the RIO and all participants in the proceedings shall, to the extent possible, 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, 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 shall also have the option of keeping confidential the identities of witnesses. Notwithstanding the foregoing,

- a. the identity of respondents and complainants will be disclosed to ORI pursuant to an ORI review of research misconduct proceedings; and
- b. administrative hearings of the federal Department of Health and Human Services are open to the public.

- (22) **Retaliation:** Faculty, staff members and students may not retaliate in any way against complainants, witnesses, or committee members. Any alleged or apparent retaliation against complainants, witnesses or committee members shall be reported to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.
- (23) **Protection of Respondent's Reputation:** After the proceeding 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 made.
- (24) **Allegations Not Made in Good Faith:** If relevant, the DO will determine whether the complainant's allegations were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith, he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

Other Policies Regarding Research Misconduct Proceedings

- (25) **Minutes of Proceedings:** Minutes of all proceedings shall be maintained by the RIO and provided as necessary to ORI and/or any other relevant federal agencies or offices as required by law.
- (26) **Time Limit:** The period of time for the initial Inquiry and the completion of the Investigation normally shall not exceed 180 days beyond the date when the allegation of research misconduct was first presented to the RIO.
- (27) **Notices:** During the research misconduct proceeding, the RIO is responsible for ensuring that respondents promptly receive all the notices and opportunities to present their case provided for in these Policies and Procedures.
- (28) **Guiding Principles:** Throughout the inquiry, investigation, and implementation of any administrative actions or other resolution, all participants must bear in mind several considerations:
 - a. The importance, in fact and appearance, of fairness, objectivity, and reasonable expediency;
 - b. Protecting, to the maximum extent possible, the privacy of those who in good faith report alleged misconduct;
 - c. Protecting, to the maximum extent possible, the rights and privacy of the respondent, including the right to be informed of the alleged misconduct, of the evidence in support of the allegation of research misconduct, and other procedures to be followed;

- d. The importance of ensuring that the professional interests and integrity of the faculty are respected; and
- e. The importance of consulting with outside agencies or institutions which have an interest in the research in question.

(29) **Indemnity:** Participation by a Mount Holyoke College faculty or staff member in a research misconduct inquiry, investigation or remediation plan at the request of the RIO shall be considered part of that faculty or staff member's institutional responsibilities, and that person shall therefore be indemnified by Mount Holyoke College. All such participants must strictly abide by the confidentiality, anti-retaliation, and protection of reputation provisions as well as the guiding principles detailed above.

Policy Violations

Violations of college policies are adjudicated according to procedures outlined in the Student Handbook and the Staff Handbook, with disciplinary consequences imposed by the adjudicating authority up to and including dismissal. Some offenses are punishable under state and federal laws.

Related Information :

Exhibit A: Summary of RIO's Responsibilities

Note: In the event of a conflict between this Exhibit A and the provisions of the Policies and Procedures for Responding to Allegations of Research Misconduct, the Policies and Procedures will control.

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct;
- Receive allegations of research misconduct;
- Assess each allegation of research misconduct to determine whether it falls within the definition of research misconduct and warrants an Inquiry;
- As necessary, take interim action and notify ORI and/or any other applicable government entity, of special circumstances, as required by these Policies and Procedures;
- Sequester research data and evidence pertinent to the allegation of research misconduct and maintain it securely in accordance with these Policies and Procedures and applicable law and regulation;
- Provide confidentiality to those involved in the research misconduct proceeding;
- Notify the respondent and provide opportunities for him/her to review/comment/respond to allegations, evidence, and committee reports as provided in these Policies and Procedures;
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Appoint the chair and members of the Inquiry Panel (if desired) and Investigative Committee, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including requiring recusal, to ensure that no person with such a conflict is involved in the research misconduct proceeding;
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or institutional members;
- Keep the DO and others who need to know apprised of the progress of the review of the allegation of research misconduct;
- Notify and make reports to ORI and/or any other government entity as required by these Policies and Procedures;
- Ensure that administrative actions taken by the institution and ORI are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions;
- Maintain records of the research misconduct proceeding and make them available to ORI and

- Take steps to maintain confidentiality of ongoing research misconduct proceedings, and to protect or restore the reputation of any respondent in cases where no finding of research misconduct is made.

Exhibit B: Contents of Inquiry Report

- (1) The name and position of the respondent;
- (2) A description of the allegations of research misconduct;
- (3) The applicable federal support, including, for example, grant numbers, grant applications, contracts, and publications listing federal support;
- (4) The basis for recommending that the alleged actions warrant an investigation; and
- (5) Any comments on the Inquiry Report by the respondent or the complainant.

In addition, the College must be prepared to provide the following information to the applicable federal agency on request:

- (1) These Policies and Procedures;
- (2) The research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and
- (3) The charges for the investigation to consider.

Exhibit C: Contents of Investigation Report

- (a) Allegations. Describe the nature of the allegations of research misconduct.
- (b) Federal support. Describe and document the applicable federal support, including, for example, any grant numbers, grant applications, contracts, and publications listing federal support.
- (c) Institutional charge. Describe the specific allegations of research misconduct for consideration in the investigation.
- (d) Policies and procedures. If not previously provided to the applicable federal agency with the Inquiry Report, include these Policies and Procedures.
- (e) Research records and evidence. Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody but not reviewed.
- (f) Statement of findings. For each separate allegation of research misconduct identified during the investigation, provide a finding as to whether misconduct did or did not occur, and if so:
 - (1) Identify whether the research misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard;
 - (2) Summarize the facts and the analysis which support the conclusion and consider the merits of any reasonable explanation by the respondent;
 - (3) Identify the specific federal support;
 - (4) Identify whether any publications need correction or retraction;
 - (5) Identify the person(s) responsible for the research misconduct; and
 - (6) List any current support or known applications or proposals for support that the respondent has pending with other federal agencies.

(g) Comments. Include and consider any comments made by the respondent and complainant on the draft Investigation Report.

(h) Maintain and provide records. Maintain and provide to ORI upon request all relevant research records and records of the institution's research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews.