

Misconduct in Research:
Smith College Policies and Procedures

Introduction: This document represents Smith College's policies and procedures concerning misconduct in research. These are general guidelines for the handling of misconduct in research. Should a particular allegation arise, the requirements of the cognizant funding agency supporting the research will be followed to the extent they deviate from those in this policy.

Definition: Research misconduct means 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 errors or differences of opinion.

Where to direct allegations of misconduct in research: To insure impartiality in the receipt and review of allegations of misconduct in research, all allegations will be directed to the Associate Provost /Dean for Academic Development. The Associate Provost will determine if an inquiry is required.

Confidentiality: The college shall maintain the identity of respondents and complainants securely and confidentially and shall not disclose any identifying information, except: (1) to the extent required by law; (2) to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (3) to the cognizant funding agency, if any, as necessary and as it conducts its review of the research misconduct proceeding and any subsequent proceedings.

Ensuring a fair research misconduct proceeding: The college shall take all reasonable steps to ensure an impartial and unbiased research misconduct proceeding to the extent practicable. It shall ensure the availability of appropriate scientific expertise, either internal or external to the college, when selecting those conducting the inquiry or investigation. Prior to selection, it shall screen participants for any unresolved personal, professional, or financial conflicts of interest with the respondent, complainant, potential witnesses, or others involved in the matter. Any such conflict which a reasonable person would consider to demonstrate potential bias shall disqualify the individual from selection.

Research misconduct proceedings:

(1) If it is determined that an inquiry is warranted, the Associate Provost will direct the Chair of the Science Planning Committee, or in the case of a matter outside Division III, the Chair of Faculty Council, to establish an ad hoc committee of three tenured faculty members to examine immediately the allegations or evidence of possible misconduct. If

it is determined that there is not sufficient expertise among the available faculty members, one member of the ad hoc committee may be external to the college.

(2) The ad hoc committee will review the allegation and supporting evidence, prepare an inquiry report, and provide the respondent with a reasonable opportunity to comment on it. The committee may or may not give the complainant an opportunity to comment. These steps will occur within 90 calendar days of the appointment of the ad hoc committee, unless the circumstances warrant a longer period or a different time period is required by the cognizant funding agency. If the inquiry takes longer than 90 calendar days to complete, documentation of the reasons for the delay shall be included in the inquiry record. The inquiry report shall contain the following information: the name and position of the respondent(s); a description of the allegations of research misconduct; the funding support involved, if any, including, for example, grant numbers, grant applications, contracts, and publications listing this support; the basis for deciding whether the alleged actions warrant an investigation; and any comments on the report by the respondent or the complainant.

(3) The ad hoc committee will make and deliver a written determination of whether a further investigation is warranted to the Associate Provost. If the inquiry results in a determination that an investigation is warranted, the college shall begin the investigation within 90 calendar days of that determination and, on or before the date on which the investigation begins, notify the cognizant funding agency, if any, in accordance with their policies. The college shall use its best efforts to complete the investigation within 180 calendar days of the date on which it began, including conducting the investigation, preparing the report of findings, providing the draft report for comment, notifying the cognizant funding agency, and providing the respondent with an opportunity to appeal the ad hoc committee's decision. If it becomes apparent that the investigation cannot be completed within that period, permission of the cognizant funding agency will be sought. Where no such permission is necessary, the Associate Provost's permission will be sought.

(4) If the Associate Provost determines that a further investigation is warranted, the ad hoc committee will conduct that investigation.

In conducting all investigations, the ad hoc 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 the allegations; interview each respondent, complainant, and other available persons who have 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 investigation; pursue 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 continue the investigation to completion.

(5) The ad hoc committee shall prepare the draft and final institutional investigation reports in writing and provide the draft report for comment as provided elsewhere in these policies and procedures. The final investigation report shall:

- (a) Describe the nature of the allegations of research misconduct;
- (b) Describe and document the funding support, including, for example any grant numbers, grant applications, contracts, and publications listing this support;
- (c) Describe the specific allegations of research misconduct considered in the investigation;
- (d) Include the institutional policies and procedures under which the investigation was conducted;
- (e) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody, but not reviewed. The report should also describe any relevant records and evidence not taken into custody and explain why.
- (f) Provide a finding as to whether research misconduct did or did not occur for each separate allegation of research misconduct identified during the investigation, and if misconduct was found, (i) identify it as falsification, fabrication, or plagiarism and whether it was intentional, knowing, or in reckless disregard; (ii) summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent and any evidence that rebuts the respondent's explanations; (iii) identify the specific funding support; (iv) identify any publications that need correction or retraction; (v) identify the person(s) responsible for the misconduct; and (vi) list any current support or known applications or proposals for support that the respondent(s) has pending; and
- (g) Include and consider any comments made by the respondent and complainant on the draft investigation report.

The college shall maintain and provide to the cognizant funding agency, if any, upon request all relevant research records and records of the research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews.

Notice to respondent: During the research misconduct proceeding, the following notifications will be provided to all identified respondents:

- **Initiation of Inquiry.** Prior to or at the beginning of the inquiry, the college shall provide the respondent(s) written notification of the inquiry and contemporaneously sequester all research records and other evidence needed to conduct the research misconduct proceeding. If the inquiry subsequently identifies additional respondents, they shall be promptly notified in writing.

- **Comment on Inquiry Report.** The ad hoc committee shall provide the respondent(s) an opportunity to comment on the inquiry report in a timely fashion so that any comments can be attached to the report.
- **Results of the Inquiry.** The college shall notify the respondent(s) of the results of the inquiry and attach to the notification copies of the inquiry report and these institutional policies and procedures for the handling of research misconduct allegations.
- **Initiation of Investigation.** Within a reasonable time after the determination that an investigation is warranted, but not later than 90 calendar days after that determination, the ad hoc committee shall notify the respondent(s) in writing of the allegations to be investigated. It shall give respondent(s) written notice of any new allegations within a reasonable time after determining to pursue allegations not addressed in the inquiry or in the initial notice of the investigation.
- **Scheduling of Interview.** The ad hoc committee will notify the respondent sufficiently in advance of the scheduling of his/her interview in the investigation so that the respondent may prepare for the interview.
- **Comment on Draft Investigation Report.** The ad hoc committee shall give the respondent(s) a copy of the draft investigation report, and concurrently, a copy of, or supervised access to, the evidence on which the report is based and notify the respondent(s) that any comments must be submitted within 30 calendar days of the date on which he/she received the draft report. It shall ensure that these comments are included and considered in the final investigation report.

The ad hoc committee shall submit its report to the Provost and Dean of the Faculty, who shall take whatever action s/he considers appropriate. Such actions may include removal from a particular project, special monitoring of future work, probation, suspension, or dismissal. The Provost shall inform the President of Smith College of the findings and action taken, if any.

Appeals: The respondent may appeal the ad hoc committee's findings. The grounds for appeal should be limited to failure to follow appropriate procedures. The President will, in consultation with Faculty Council, choose an appeals committee of three tenured faculty members who were not members of the ad hoc committee. The appeals committee is advisory to the President and makes its recommendations to him or her. The President's decision is final.

Notifying the cognizant funding agency: The Associate Provost shall promptly provide the cognizant funding agency, if any, with any materials they require in accordance with their policies.

The college will cooperate with and assist the cognizant funding agency as needed, and carry out any administrative actions they may impose as a result of a final finding of research misconduct.

The college shall cooperate fully and on a continuing basis with the cognizant funding agency during its oversight reviews of this institution and its research misconduct

proceedings and during the process under which the respondent may contest the cognizant funding agency's findings of research misconduct and proposed administrative actions. This includes providing, as necessary to develop a complete record of relevant evidence, all witnesses, research records, and other evidence under the college's control or custody, or in the possession of, or accessible to, all persons that are subject to its authority.

The college will report to the cognizant funding agency any proposed settlements, admissions of research misconduct, or institutional findings of misconduct that arise at any stage of a misconduct proceeding, including the allegation and inquiry stages.

Maintenance and custody of research records and evidence: The college shall take the following specific steps to obtain, secure, and maintain the research records and evidence pertinent to the research misconduct proceeding:

(1) Either before or when the respondent is notified of the allegation, the Associate Provost shall promptly take all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory those materials, and sequester them in a secure manner, except that in those cases 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.

(2) Where appropriate, give the respondent copies of, or reasonably supervised access to the research records.

(3) Undertake all reasonable and practical efforts to take custody of additional research records and evidence discovered during the course of the research misconduct proceeding, including at the inquiry and investigation stages, or if new allegations arise, subject to the exception for scientific instruments in (1) above.

Interim protective actions: At any time during a research misconduct proceeding, the college shall take appropriate interim actions to protect public health, federal and other grant funds and equipment, and the integrity of the supported research process. The necessary actions will vary according to the circumstances of each case, but examples of actions that may be necessary include delaying the publication of research results, providing for closer supervision of one or more researchers, requiring approvals for actions relating to the research that did not previously require approval, auditing pertinent records, or taking steps to contact other institutions that may be affected by an allegation of research misconduct.

At any time during a research misconduct proceeding, the college shall notify the cognizant funding agency, if any, immediately if there is 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 or animal subjects.

(2) The cognizant funding agency resources or interests are threatened.

(3) Research activities should be suspended.

(4) There is a reasonable indication of violations of civil or criminal law.

(5) Federal action is required to protect the interests of those involved in the research misconduct proceeding.

Restoring reputations: The college shall undertake all reasonable, practical, and appropriate efforts to protect and restore the reputation of any person alleged to have engaged in research misconduct, but against whom no finding of research misconduct was made, if that person requests that it do so.

The college shall undertake all reasonable and practical efforts to protect and restore the position and reputation of any complainant, witness, or committee member and to counter potential or actual retaliation against those complainants, witnesses and committee members.