

**SANTA CLARA UNIVERSITY
FACULTY HANDBOOK
APPENDIX H**

POLICY ON MISCONDUCT IN RESEARCH

The essence of all research and scholarship is the pursuit of truth. Actions that undermine the integrity of scholarly activity may impede the advancement of knowledge, jeopardize the position of collaborators, compromise the work of other investigators, harm innocent members of the general public, and besmirch the reputation of the University. Such misconduct cannot be tolerated.

A. Scope of Policy

The term “misconduct in research” refers to any serious deviation from practices that are commonly accepted within the academic community for proposing, conducting, or reporting research or scholarship. This definition specifically includes plagiarism; fabrication or falsification of evidence or data; unauthorized use of privileged information; and deliberate and substantial violation of federal, state, or University regulations relating to the conduct of research. It does not include honest error or honest differences in interpretation of data.

Principal investigators have a special responsibility to assure the integrity of work conducted under their supervision, but all authors in a group effort share responsibility for the published result. Publications should therefore list as authors only those who have contributed to the research, who have reviewed the manuscript carefully, and who are prepared to stand behind the conclusions.

This policy applies to all employees of the University.

B. Appointment of Administrative Officer

The Provost will appoint an individual to serve as the administrative officer to whom allegations of misconduct in research should be reported. The administrative officer will be responsible for coordinating the implementation of this policy.

When the administrative officer has a real or apparent conflict of interest in a particular case, the Provost will appoint someone else to serve in this capacity for the duration of the case to assure that it is handled in a fair and impartial manner.

C. Allegation of Misconduct

Any person who has reason to believe that misconduct in research, as defined in this policy, has taken place should contact the administrative officer.

The administrative officer will discuss with this individual the procedures to be followed. If the individual decides to make a formal allegation, the administrative officer will initiate a preliminary inquiry. Even if the individual decides not to make a formal allegation, the administrative officer may initiate a preliminary inquiry if in his or her judgment sufficient cause exists to warrant one.

Some concerns reported to the administrative officer may fall outside the scope of this policy. In such a case, the administrative officer will advise the person reporting the concern about other policies or procedures that may pertain.

D. Preliminary Inquiry

When an inquiry is initiated, the administrative officer will immediately notify the person suspected of misconduct of the allegation and the process that will follow. The administrative officer will also appoint a committee of three University employees who will conduct a prompt and thorough inquiry into the alleged misconduct. The purpose of this preliminary inquiry will be to gather and review factual information to determine whether a formal investigation is warranted.

The three University employees on the inquiry committee will be tenured faculty members if the person suspected of misconduct is a faculty member. Even if the person is not, the committee will include at least one tenured faculty member. Committee members should be free of any conflict of interest and should have appropriate backgrounds for judging the issues at stake. They will secure whatever expertise is necessary and appropriate to evaluate the relevant evidence.

The committee will submit a written report to the administrative officer within 60 calendar days of its appointment unless circumstances clearly warrant a longer period. If the inquiry takes longer than 60 days to complete, the committee will provide the administrative officer written documentation of the reasons for exceeding this limit.

The report of the committee will state what evidence was reviewed, summarize relevant interviews, and include the conclusions of the committee. The person against whom the allegation was made will receive a copy of this report and have the opportunity to comment on it as part of the record.

If the committee determines that the allegation is frivolous, that it cannot be substantiated, or that there is insufficient evidence to justify further investigation, all proceedings will be terminated. If it determines that sufficient evidence exists, the administrative officer will initiate a formal investigation within 30 days of receiving the report.

Records of inquiries will include sufficient documentation to explain the basis of the decision to terminate proceedings or to initiate a formal investigation. The administrative

officer will maintain these records in a secure manner for at least three years after completion of the inquiry.

E. Formal Investigation

The administrative officer will initiate a formal investigation by notifying the individual suspected of misconduct, his or her immediate supervisor, the appropriate chair and dean, and the Provost.

The Provost will request that the Faculty Judicial Board conduct a formal investigation of the allegation, provided that the individual suspected of misconduct is a faculty member and consents to this procedure. The Faculty Judicial Board will conduct the investigation and make its recommendations in accordance with the guidelines established in Section 3.10.2 of the Faculty Handbook.

If the person suspected of misconduct is not a faculty member or does not consent to a hearing by the Faculty Judicial Board, the Provost will appoint a special committee to conduct a formal investigation. The special committee will include five employees of the University who will proceed according to the same guidelines as those outlined for the Faculty Judicial Board in Section 3.10.2 of the Faculty Handbook, with the sole exception that the special committee will not communicate with the Faculty Judicial Board before presenting its final report.

The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data, proposals, publications, correspondence in any format, and memoranda of telephone calls. The committee conducting the investigation will make every effort to interview all individuals who have made the allegation, been the subject of the allegation, or possess information regarding important aspects of it. Complete summaries of these interviews should be prepared, given to the interviewed party for comment or revision, and included as part of the investigatory file. The committee will secure whatever expertise is necessary and appropriate to carry out a thorough and authoritative evaluation of the relevant evidence.

In the course of its work, the investigating committee may discover additional information that justifies broadening the scope of the investigation beyond the initial allegation. The committee should inform both the Provost and the person whose conduct is being investigated when it intends to broaden the scope of an investigation.

The committee will submit its final report within 120 calendar days of its appointment. If the committee determines that it will not be able to meet this deadline, it must submit to the Provost a written request for an extension that includes an explanation for the delay, an interim report on the progress to date, and an estimated date of completion.

The administrative officer will be responsible for maintaining records of the investigation in a secure manner for at least three years after completion of the investigation.

F. Sanctions

If the investigating committee finds that misconduct has occurred, it will recommend appropriate sanctions in accordance with Section 3.9 of the Faculty Handbook.

G. Protection of Rights

Individuals against whom allegations of misconduct in research are made will be afforded confidential treatment to the maximum extent possible, a prompt and thorough inquiry and investigation if warranted, and an opportunity to comment on allegations and findings of any inquiry and investigation. When allegations are not confirmed, the University will make diligent efforts to protect the reputations of persons against whom the allegations have been made.

The University will also make diligent efforts to protect the privacy, reputations, and positions of those who in good faith report apparent misconduct. Allegations that are not brought in good faith, however, may lead to disciplinary action.

H. Interim Administrative Action

Pending final disposition of a case, the Provost or the administrative officer may take interim administrative action to protect funds from government agencies or other external sponsors, the health and safety of research subjects, or the interests of the University.

I. Notification of Sponsors

External sponsors have the right to expect that the integrity of research for which they provide funding will be maintained.

If the University decides after an initial inquiry to proceed with a formal investigation of misconduct in any research project supported by external funds, the administrative officer will notify the sponsoring agency on or before the date the investigation begins. The final report of the investigating committee will ordinarily be submitted to the agency within 120 days of the appointment of the committee. When government agencies or other sponsors require more detailed reporting procedures, the University will comply with those procedures.

Depending on the nature of misconduct that is found, the University may also have an ethical responsibility to notify other parties of the conclusions of a formal investigation. These parties may include research collaborators, editors of journals in which the research was published, professional licensing boards, other institutions with which the individual has been affiliated, or other persons or organizations with a direct interest in the matter.

J. Compliance with Federal Regulations

Whether or not this policy specifically addresses them, the University will comply with all federal regulations pertaining to misconduct in research.

Note on Sources:

This policy is based in large part on the following documents: “Responsibilities of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science,” the 1989 regulations issued by the Public Health Service (PHS); “Misconduct in Science and Engineering Research,” the 1987 regulations issued by the National Science Foundation (NSF); “Framework for Institutional Policies and Procedures to Deal with Fraud in Research,” issued in 1988 jointly by the Association of American Universities (AAU), National Association of State Universities and Land-Grant Colleges (NASULGC), and Council of Graduate Schools (CGS); “Report of the Association of American Universities Committee on the Integrity of Research,” issued in 1983 by the Association of American Universities (AAU); and “The Maintenance of High Ethical Standards in the Conduct of Research,” issued in 1982 by the Association of American Medical Colleges (AAMC).