

APPENDIX P K

POLICY ON ACADEMIC MISCONDUCT IN SCHOLARLY ACTIVITIES

I. Definition of Academic Misconduct in Scholarly Activities

Misconduct in scholarly activities includes, but is not limited to, (1) fabrication, falsification, plagiarism, or similar practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting or reporting research or other scholarly and creative activity; (2) appropriation without due credit of another's ideas, including the improper use of privileged information; (3) willful or reckless failure to comply with legal requirements that relate to research, publication, and other scholarly and creative activity.

II. Procedures for Investigating Academic Misconduct

1. There shall be a University standing committee on academic misconduct in scholarly activities (henceforth referred to as the standing committee). The standing committee shall be composed of three faculty members appointed by the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* for staggered three-year terms. The committee shall report to the Assistant Vice President for Research.
2. Any person who believes that misconduct in scholarly activities has occurred in the University community shall report the incident to a member of the standing committee. In the remainder of this document, the person reporting alleged misconduct will be referred to as the complainant and the initial report will be referred to as an allegation. If the allegation is made to a person other than a member of the standing committee, that person shall advise the complainant to forward the allegation promptly to a member of the standing committee.
3. Any person whose conduct is considered under this policy shall be entitled to (1) confidential treatment to the extent possible; (2) a prompt and thorough investigation; and (3) an opportunity to comment on allegations and the findings of the standing committee and the investigating committee (see paragraph 13).
4. The standing committee and the investigating committee shall each take reasonable steps to avoid unwarranted damage to the positions and reputations of persons involved in the process.
5. All individuals involved in administering this policy shall take precautions against real or apparent conflicts of interest.
6. When the standing committee receives an allegation (or otherwise hears of evidence) of a possible incident of misconduct, the committee will decide if the alleged incident, were it to have occurred, would constitute misconduct under this policy. If the committee decides that the alleged incident falls under this policy, it will inform the subject of the allegation and will initiate an inquiry. During this inquiry, the committee shall gather such information and engage in such initial research as it believes necessary for it to determine whether to impanel an investigating committee.
7. The standing committee ordinarily shall complete its inquiry into an alleged incident of misconduct within 60 days of the time it learns of the incident. If this deadline cannot be met, then the standing committee shall inform the subject of the inquiry of the reasons for the delay. The standing committee also shall inform other individuals of the progress of its inquiry if the standing committee determines that such individuals have a compelling need to be informed.
8. If a member of the standing committee is the complainant or has any other conflict of interest in a particular case, that member shall recuse him or herself from the case and the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* may appoint a temporary replacement. The standing committee may at any time request that the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* appoint a temporary committee member who possesses specific expertise helpful in evaluating the merits of a particular case.
9. If the standing committee decides not to initiate an investigation, it shall prepare a written report explaining the basis on which it determined that an investigation was not appropriate.
10. If the standing committee decides to initiate an investigation, it shall prepare a written report explaining the basis on which it determined that an investigation was appropriate.
11. The standing committee shall provide written notification of the results of an inquiry to the subject of the inquiry and to the complainant. The committee may comply with this requirement by providing the subject and/or the complainant with a copy of the full report referred to in paragraphs 9 and 10. In deciding whether to provide the subject and/or complainant with a copy of the report, the standing committee shall consider all relevant factors, including the need to protect the confidentiality or reputation of any person. If the standing committee decides to initiate an investigation, the notification to the subject shall include, at the minimum, a statement of the committee's conclusions. The subject may make written comments on the standing committee's conclusions within five days after being notified of them and such comments shall become a part of the standing committee's report.
12. The report required by paragraph 9, or the report required by paragraph 10 together with comments from the subject permitted by paragraph 11, shall be transmitted to the Assistant Vice President for Research. If the standing committee's decision is that an investigation is not appropriate, its

report (required by paragraph 9) shall be sealed if the committee decides that there is reason to keep the inquiry confidential, and the Assistant Vice President shall secure the sealed report as required by paragraph 20 below. If the standing committee decides that an investigation is appropriate, the Assistant Vice President shall, upon receiving the report, do whatever is necessary to inform granting agencies and appropriate administrative officials that an investigation will be conducted.

13. If the standing committee decides to initiate an investigation, it will appoint an investigating committee. The standing committee shall consult with the appropriate dean(s) before choosing members of the investigating committee, but the ultimate responsibility for selecting members lies with the standing committee. The standing committee shall appoint persons whose knowledge and experience will permit them to conduct a thorough and authoritative investigation. An investigating committee normally will have at least three members. Neither the complainant nor any member of the standing committee may serve on the investigating committee.

14. The investigating committee shall gather information in order to determine whether misconduct has occurred. The investigating committee may consult with the standing committee but is not required to do so. The investigating committee may retain counsel, which may be, but is not required to be, University Counsel. The committee may retain appropriate consultants if the expertise of such consultants is needed to carry out a thorough and authoritative evaluation of the relevant evidence. The subject of the investigation may be asked to supply the investigating committee with appropriate information.

15. The investigating committee shall prepare a written report, supported by any relevant documentation, explaining the basis on which the committee made its determination. If the committee determines that misconduct has occurred, the committee may choose to: (a) express its opinion as to the seriousness of the misconduct; (b) recommend sanctions against the person(s) who committed the misconduct; (c) recommend actions for the appropriate college, school, or division to take to prevent future misconduct.

16. The subject of an investigation shall be provided a copy of the committee's report (prepared under paragraph 15) and shall be given an opportunity to comment in writing on the report. Such written comments shall become a part of the report and shall be included before the report is transmitted to appropriate dean(s) and to the Assistant Vice President for Research and the standing committee.

17. On receipt of a finding that a faculty member has engaged in academic misconduct, his or her dean may decide to take no action, may decide to impose minor sanctions, or may seek to impose a severe sanction under the provisions of Appendix B of the *Faculty Handbook*. The dean shall report any actions taken to the standing committee and to the Assistant Vice President for Research. If the dean decides to take no action, or to impose a minor sanction, the dean's report shall explain why he or she took no action or imposed a minor rather than a severe sanction.

18. On receipt of a finding that a graduate student or staff member has engaged in academic misconduct, as defined in this policy, his or her dean may take no action or may impose sanction in accordance with the student or staff handbook, whichever is applicable. The dean shall report any actions taken to the standing committee and to the Assistant Vice President for Research. If the dean decides not to impose sanctions, the report shall include an explanation of that decision.

19. The investigating committee shall bring to the standing committee's attention any deficiencies it perceives in these procedures. If the standing committee determines that these procedures should be modified, it shall make appropriate recommendations to the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs*.

20. The Assistant Vice President for Research shall retain in a secure place all reports, including written explanations under paragraphs 9, 10, 15, 17, or 18, and all documentation, pertaining to each incident of alleged misconduct, for a period of five years from the receipt of the report or explanation. However, the standing committee's report, with documentation, if the standing committee determines that an investigation is not warranted under paragraph 6 and that there is reason to keep the inquiry confidential, shall be sealed before forwarding to the Assistant Vice President for Research.

21. Insofar as the requirements of a granting agency are inconsistent with the requirements of this policy, the granting agency's requirements shall be considered a part of this policy and followed in the investigation of an incident of possible misconduct involving a grant from the agency. The Assistant Vice President for Research shall ensure that the University complies with the requirement of each granting agency, including requirements that the University report to the agency concerning allegations and/or findings of misconduct and inform the standing committee and any investigating committee(s) of any relevant regulations. The Assistant Vice President for Research may add appendices to this policy that identify the inconsistencies between the particular requirements of a granting agency and this policy.

22. To permit the Assistant Vice President for Research to ensure compliance with the reporting requirements of each granting agency, the standing committee shall inform the ~~Academic Vice President~~ *Provost/Vice President for Academic Affairs* each time it impanels an investigating committee. The standing committee and/or each investigating committee also shall inform the Assistant Vice President for Research of each incident of alleged misconduct at any time that the committee determines that the incident (a) poses an immediate health hazard; (b) presents an immediate need to prevent misappropriation or damage to property or funds; (c) presents an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is(are) the subject(s) of the allegations as well as his or her (their) co-investigators and associates, if any; (d) seems likely to be publicly reported; or (e) might reasonably be expected to lead a criminal investigation. The Assistant Vice President for Research, when informed of an incident of alleged academic misconduct, shall notify each University administrator whom he/she determines has an immediate need to know of the incident.

23. These procedures shall be published in the faculty, staff, and student handbooks.

24. These procedures shall not limit or interfere with the University's ability, under other policies, to discipline a student for misconduct in research, publication, creative, or other scholarly activities.

25. All deans and department heads shall take action to ensure that all persons engaged in research in their college, school, or department are aware of these procedures.