

St. John Fisher College
Policy and Procedures for Reporting and Dealing with Research Misconduct
Updated September 2021

1. Preamble and Summary

St. John Fisher College faculty, staff, and students are expected to observe the highest standards of professional conduct, including in research endeavors. Fisher takes allegations of research misconduct seriously and will investigate promptly while ensuring the maximum protection to both the complainant and the respondent subject to the allegation. The policy and procedures outlined below will be applied in all instances of possible research misconduct. Please note, each case varies and will be reviewed independently; variation to the procedures below may be appropriate when deemed necessary by the College or required by federal officials.

2. Definitions

Research misconduct: Research misconduct represents the fabrication, falsification, or plagiarism in proposing or performing research. It does not include honest error or differences of opinion. (Please note that violations of Institutional Review Board (IRB) policies and regulations or the Institutional Animal Care and Use Committee (IACUC) policies and regulations will be handled by the IRB and IACUC committees respectively. Information about IRB policies can be found on the Provost's web site. For information about IACUC policies, contact the Biology Department.)

Fabrication: making up data or results and recording or reporting them

Falsification: 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. The manipulation must have substantial scientific effects (such as change in direction, size, or significance of reported results).

Plagiarism: appropriation of another person's ideas, processes, results or words without giving appropriate credit

(45 Code of Federal Regulations 689)

Complainant: The complainant is an individual(s) who submits an allegation of research misconduct.

Respondent: The respondent

Investigation: An investigation is a formal development, examination and evaluation of a factual record to determine whether research misconduct has taken place, to assess its extent and consequences, and to evaluate appropriate action (45 CFR 689).

Deciding Official (DO): The provost serves as the Deciding Official, making final determinations on allegations of research misconduct and any institutional administrative actions. The DO should have no direct prior involvement in any institutional investigation and no conflict of interest with the respondent.

Research Integrity Officer (RIO): The RIO is an individual, typically a dean, appointed by the provost who will have primary responsibility for overseeing a research misconduct inquiry and/or investigation. The RIO is responsible for the following: 1) assessing allegations of research misconduct to determine if they fall within the definition research misconduct; 2) determining if an investigation is warranted on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; 3) overseeing investigations; and 4) meeting the other responsibilities described in this policy.

Principal Investigator (PI): The PI is the primary individual leading a funded research project. It is the responsibility of the PI to maintain ethical research practices.

Office of the Inspector General (OIG): The OIG provides independent oversight of programs and operations for each federal agency. The office is responsible for promoting efficiency and effectiveness in agency programs and for preventing and detecting fraud, waste, and abuse.

3. Procedure for Handling Allegations of Research Misconduct

A. Submission of Allegations

Any individual who in good faith suspects a case of research misconduct is required to promptly report the case to the provost or any of the following, who shall immediately report the information to the provost: the Office of Sponsored Programs, the individual's department

If external funds are involved, the provost determines whether the law, regulation, or terms or conditions of the grant award require notification of the funder or other actions to ensure compliance.

C. Initiation and Purpose of Inquiry

If an inquiry is warranted based on the preliminary assessment, the RIO shall:

- i. Appoint three faculty members to serve on an Inquiry Panel who have the necessary expertise to provide a reasonable opinion on the matter;
- ii. Obtain and secure the relevant research records;
- iii.

must be approved by the provost and documented. Upon completion of the inquiry, the RIO will submit a written report to the provost (who will serve as the Deciding Official, DO) which includes the following:

- i. The name and position of the respondent;
- ii. A description of the allegations of research misconduct;
- iii. A description of any external support for the research giving rise to the allegations, including, for example, grant and contract numbers and references to grant applications;
- iv. References for any publications involving the research in question;
- v. Any comments on the report by the respondent, the complainant, or a witness; and
- vi. A recommendation to the DO as to whether an investigation is warranted, and a statement of the basis for this recommendation.

All records (documentary evidence, interview notes, inquiry report, etc.) of the research misconduct inquiry will be retained for seven years.

D. Notification to Federal Government

The College must immediately notify the Office of the Inspector General (OIG) when federal sponsors have supported the research in question, if:

- i. There is an immediate health hazard involved;
- ii. There is an immediate need to protect federal funds or equipment;
- iii.

Within 15 calendar days after the DO determines that an investigation is warranted, the RIO will appoint an investigation committee to explore the allegations in detail, to examine the evidence in depth, and to determine specifically whether research misconduct has been committed. The committee shall consist of at least three faculty or staff who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the investigation. Committee members may be scientists, administrators, subject matter experts, lawyers, or other qualified persons. External experts may also be invited to participate on the committee or serve as consultants if appropriate. One of the members shall serve as chair.

The RIO will inform the respondent of the composition of the Investigation Committee membership. The respondent will have five calendar days to challenge the membership based on conflict of interest or bias. The RIO will determine whether a challenged member should be replaced.

G. Procedure for Conducting the Investigation

The investigation committee and the RIO must do the following:

- 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;

- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent possible;

- Interview 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 to completion; and

- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation and continue the investigation to completion. If during the investigation additional instances of research misconduct are uncovered, they should be immediately reported to the DO.

H. Completion of Cases

The investigation must be completed within 120 calendar days (or 180 calendar days for NSF grants), with a final report prepared and submitted to the DO. In cases involving federal funding, an extension of the investigation beyond 120 days (or 180 calendar days for NSF grants) must be approved by the relevant federal agency. The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent has the opportunity to comment on the report. The respondent will be allowed 30 calendar days from the date he/she received the draft report to submit comments to the RIO. The respondent's comments will be included and considered in the final report. The final report is submitted by the RIO to the DO within 10 calendar days of receiving the respondent's comments; if an extension is necessary, the committee must seek approval from the DO.

The investigation report should include the following elements:

will assess the accuracy and completeness of the report and whether the investigating entity followed reasonable procedures (45 CFR 689.9).

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

Summary of steps after an allegation of research misconduct is submitted to the provost:

Procedures	
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