



WAKE FOREST
UNIVERSITY

Policy Title

Approved By: WFU Policy on Research Misconduct
Effective Date :
History: Approval Date: January 6, 2004
Revisions: June 1, 2007
Type: Administrative Policy
Responsible Official: Provost
Related Policies: n/a

Policy Statement

The following policy describes the process by which possible misconduct by faculty and others conducting research will be investigated and resolved. This policy applies to all sponsored research whether supported by university or external funds.

Reason for the Policy

Research is an essential part of the academic mission. Contributions from the research community create a body of knowledge that constitutes the very foundation of human discovery. It is in the best interests of the public and the academic community to prevent misconduct in research and to deal effectively and responsibly with instances in which misconduct is suspected or substantiated. The maintenance of public trust requires adherence to the ethical principles that govern research, and the faculty, staff, and administration of every university are responsible for ensuring that this public trust is not violated.

Definitions

Misconduct in science is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

Scientific misconduct may include but is not limited to:

- Falsification of data, ranging from blatant fabrication to selective reporting with the intent to falsify findings;
- Intentional misrepresentation, including all intentional attempts to mislead others in the scientific or public community regarding the research;
- Plagiarism, which is defined as the representation of another's work as one's own, including the intentional omission of acknowledgments of the contributions of colleagues to the research;

- Unauthorized use of privileged information, such as information gained via review of proposals and manuscripts, information covered by confidentiality agreements, and other types of confidential research information.

Responsibilities

1. Prevention of misconduct in research: Wake Forest University strives to provide an open and stimulating environment for creativity and individual thought so that all faculty have the opportunity to develop independently and productively in their chosen field. This climate is meant to promote high ethical standards and enhance the research process. In recognition of the possibility that improprieties may occur, institutional policies and procedures relating to misconduct have been adopted.

2. Report of Misconduct: Wake Forest University has adopted the procedures described below so that a report of possible scientific misconduct may be investigated and resolved in an expeditious, fair, thoughtful, confidential, and judicious manner.

3. Individual Responsibilities: Each investigator has responsibilities relating to ethical conduct of research. Critical areas include awareness of university policy; supervision of others; maintaining research records; collaborative efforts; and publication and other dissemination of research findings.

- Faculty are encouraged to discuss research ethics and to heighten awareness of problems of misconduct in science.
- The quality of research is more important than quantity as a measure of productivity.
- The conduct of research is the responsibility of the faculty member directing the research activities as well as any co-directors. These individuals closely supervise support personnel and are, in turn, supervised by the department chair or Dean.
- This policy applies to all faculty, students, and support personnel performing research activities, including faculty and support personnel. Large research teams require particular attention to establish appropriate levels of supervision.
- Research data will be permanently recorded and appropriately authenticated by the investigator at the time the research is conducted. Data must be kept for a minimum of five years after publication. If the research has been supported by a federal source, record retention requirements of that source, if longer, will apply.
- Authorship of papers and abstracts is reserved for persons who have made significant professional contributions to a study. Each of the authors accepts the responsibility for the quality and veracity of the work reported.

4. Good faith report: Wake Forest University employees or students who receive or learn of a report of scientific misconduct will treat the individual(s) who made the allegation with fairness and respect and, when the report has been made in good faith, make a diligent effort to protect the position and reputation of the individual(s) and other individuals who cooperate with the university against retaliation. Employees or students will immediately report any real or apparent retaliation to the Provost.

5. Interim administrative actions: Following a good faith report of scientific misconduct, the university will take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.

Inquiries into Allegations of Misconduct

1. Initial Allegation: The initial allegation of misconduct will be brought to the attention of the direct supervisor (faculty member, department chair, Dean, Provost) of the individual whose actions are in question. If the person to whom the allegation is brought determines that it is potentially serious, the allegation will be promptly referred to the Provost. If the allegation is not considered to be significant, the individual receiving the allegation should report it to their supervisor, including the specific reasons on which the decision to not pursue the allegations are based. The individual bringing the allegation will be notified that they can appeal this finding to the next higher individual in the chain outlined above. Appeals must be submitted within 60 days of receipt of the decision not to pursue.

2. Inquiry: If the Provost determines that the report of misconduct warrants further inquiry, he/she will notify the alleged perpetrator as well as the supervisor (faculty member, departmental chair, Dean) and immediately secure all original research records and material relevant to the report. Original records will be copied and the copies will be returned to the researcher in a timely manner to limit interference with the research. The Provost will immediately designate a committee of three faculty members at the level of Associate Professor or above who have the necessary expertise to evaluate the evidence, no personal responsibility for the research under review, and no real or apparent conflict of interest to review the allegation. The Provost may also request a member of the administration to assist the committee in reviewing the allegation. University counsel will be available to advise the committee. The committee will prepare a written report for review by the Provost. It must be completed within 60 calendar days from the initial notification of the alleged misconduct. The identity of the individual(s) suspected of misconduct is to be kept strictly confidential.

3. Report to ORI: In the case of PHS-sponsored research, the Provost or designee shall notify the Director, Office of Research Integrity (ORI), prior to completion of the inquiry or investigation when:

- There is an immediate health hazard;
- There is an immediate need to protect federal funds or equipment;
- There is an immediate need to protect the interests of the individual making the allegation of misconduct or the individual alleged to have engaged in misconduct as well as co-investigators and associates;
- It is probable that the allegation is going to be reported publicly; or,
- There is a reasonable indication of possible criminal violation. In that instance, the Provost or designee must inform ORI within 24 hours of obtaining the information. ORI will immediately notify the Office of the Inspector General, DHHS.

If the Provost plans to terminate an inquiry or investigation without completing all relevant requirements of the PHS regulation, he/she must submit a report of the planned termination to ORI, including the reasons for the proposed termination.

4. Inquiry report: The committee will prepare a written report for review by the Provost. It shall describe the evidence reviewed, summarize interviews, and indicate the conclusions of the inquiry. The individual alleged to have engaged in misconduct will be

given a copy of the report and have the opportunity to comment. These comments, if any, will be made part of the record. If the review requires longer than 60 days, the report will document the reasons for exceeding the 60-day period.

5. Notification of Investigation: After this initial review, the Provost will determine whether the allegation warrants more thorough investigation. If so, the Provost will inform the suspected individual(s) of the allegation. Participants in the research project and the appropriate department chair and Dean will also be informed of the pending investigation on a “need-to-know” basis. In the case of PHS-sponsored research, the Provost shall notify the Director, ORI, upon a determination that an investigation is warranted on or before the date the investigation begins.

6. Decision not to investigate: If the Provost determines that a further investigation is not required, this conclusion will be documented, and all records concerning the allegations will be collected by the Provost and maintained in a confidential file with access restricted to the Provost. Records documenting an inquiry on reports of possible misconduct in connection with PHS-sponsored research shall be securely maintained for at least 3 years after termination of the review and, upon request, provided to the Director, ORI. Diligent efforts will be undertaken, as appropriate, to restore the reputation of the individual whose conduct was the subject of the inquiry.

Investigation of Misconduct

If the Provost determines that further investigation is warranted, he/she will immediately appoint an *ad hoc* committee to conduct a prompt and thorough investigation of the reported scientific misconduct and determine whether it has occurred. The committee will consist of 5 tenured faculty who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary and appropriate expertise to evaluate the evidence and issues related to the misconduct report, to interview the principals and key witnesses, and to conduct the investigation. At least 2 faculty members will be from departments other than the involved department. The Provost will appoint a chair. University counsel will advise the committee, and it can engage extramural consultants to assist.

The investigation will commence within 30 days of the completion of the inquiry. The committee should strive to complete their investigation and draft investigation report within 60 days of initiation in order to allow time for comment before the final report to ORI. The investigation, including submission of the final report to ORI must be completed within 120 days of its initiation. In the case of PHS-sponsored research, if additional time is necessary, a request may be made to ORI, which shall include an explanation for the delay, an interim report on the progress to date, an outline of what remains to be done, and an estimated date of completion.

The identity of the individual(s) suspected of misconduct, the initial inquiry, and all subsequent proceedings are to be kept strictly confidential, and the safety and security of all documents pertaining to the investigation must be assured.

The investigation will proceed as follows, in a confidential manner:

1. The individual suspected of misconduct will be notified in writing by the department chair.

2. If required by legal, federal regulatory, or contractual obligations or if deemed appropriate under the circumstances, the agency or entity sponsoring the research in question will be notified in writing of the investigation.
3. During the investigation, the Provost will promptly notify ORI of any developments which disclose facts that may affect current or potential PHS funding for the individual(s) under investigation or that the PHS needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.
4. All research with which the individual alleged to have engaged in misconduct is involved will be reviewed, including but not limited to relevant research data and proposals, publications, correspondence, telephone records, and records of purchase and use of supplies and other research materials.
5. The individual suspected of misconduct and any collaborators or supervisors whose role in the alleged misconduct is placed in question will be advised of the investigation's progress and afforded the opportunity to respond and to provide additional information.
6. Individuals suspected of misconduct will be provided an adequate opportunity to explain and to defend their actions.
7. Counsel for the individual suspected of misconduct and counsel for the university may be present but will not represent the parties. All questioning will be conducted by committee members, the individual suspected of misconduct, or any extramural consultants whom the committee has asked to assist in the investigation. The committee shall consider all evidence.
8. The committee will submit a draft investigation report to the Provost, who will provide the accused with a copy for comment and rebuttal. The accused will be allowed 21 days to review and comment on the draft report, and these comments will be attached to the final report. In addition, the Provost will provide the accuser with those portions of the draft investigation report that address his or her role and opinions in the investigation. The findings of the final report should take into account any comments by either the accused or the accuser in addition to all other evidence.

The committee will then present a final, written, confidential report to the Provost with regard to the existence of misconduct. It must describe the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings and basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of actions already taken by the institution. The investigatory file shall contain documentation substantiating the committee's findings. The chair will notify the Provost if the committee is unable to make a definitive determination. The Provost may then accept the report's findings and recommendations, vary the decision, or return the report to the committee for further fact-finding or analysis.

Action Following Investigation

1. Finding of Misconduct: Based upon the committee's report, if the Provost determines that there has been misconduct, the sponsoring agency, if any (ORI in the case of PHS-sponsored research), will be notified in writing of the findings of the investigation, and any appropriate financial restitution will be made. All pending abstracts and papers emanating from improper research will be withdrawn. Editors of journals will be notified in writing when abstracts and papers appear to have

been, or were, affected by improper research. Institutions and sponsoring agencies with which the individual has been affiliated will be notified, if there is reason to believe that the validity of previous research might be questionable.

Appropriate action may be taken with respect to faculty and others whose scientific misconduct is substantiated. Such action may include, without limitation, removal from a specific project; letter of reprimand; special monitoring of future work; probation; suspension; salary reduction; demotion; expulsion; or termination. In consultation with legal counsel, institutional administrators may release appropriate information to the public about the incident, particularly when public funds were used in supporting the research.

2. Finding of No Misconduct: If the misconduct is *not* substantiated by a thorough investigation, diligent efforts will be made to restore fully the reputation of the researcher and others whose conduct has been investigated. Any sponsoring agency (ORI in the case of PHS-sponsored research) or entity previously notified of the investigation will be immediately informed in writing that no misconduct has been found. In addition, appropriate disciplinary action will be taken against any parties whose involvement in leveling unfounded charges was demonstrated to have been malicious or intentionally dishonest.

3. Submission of Investigative Report to ORI: In the case of PHS-sponsored research, the committee's investigative report, in addition to a letter outlining all actions taken by the institution, shall be submitted to the Director, ORI, within 120 days of the investigation's initiation. The documentation supporting the report will be maintained and made available to the Director, ORI.

4. Appeal

If an impropriety is substantiated, the accused has the right to appeal. The university president will review the final appeal, based upon the record, and the president's decision is final.

5. Review

After the investigation, the 5-member faculty committee will be given the opportunity to make recommendations to the Provost, Dean, and department chairs for strengthening research integrity and developing measures to prevent similar incidents.

Primary Guidance

42 CFR 93

Responsible University Office or Officer

The Provost and his/her delegate is responsible for development, maintenance and oversight of the policy.

Who Is Governed By This Policy

These policies and procedures apply to all scientific research at Wake Forest University and are specific for Public Health Service (PHS)-supported research (e.g., NIH, CDC, FDA), as required by 42 CFR 50.101. University policies and procedures will be applied in like manner to all sponsored research. That is, all sponsored research, whether federal or nonfederal, is subject to these procedures. Reporting requirements vary by sponsor

(e.g., NSF, DOD, NASA, USDA). This policy is applicable to research misconduct that has occurred within the last 6 years.

Who Should Know This Policy

Faculty, staff and students who conduct research.

Exclusions & Special Situations

None

Highlights of Revisions, by Date

January 6, 2004, policy adopted after approval by Public Health Service Office of Research Integrity. Policy updated June 1, 2007 to comply with revised federal requirements (ex. Scientific Misconduct to Research Misconduct)