

Furman University holds its faculty, research staff, and students to the highest standards of integrity and responsibility in the conduct of research. The University seeks to prevent any instances of research misconduct, and takes seriously the need to investigate possible instances, while protecting the positions and reputations of those who file complaints in good faith, witnesses, and those asked to serve on committees, so that any necessary investigations may proceed without fear or favor.

Research misconduct means falsification, fabrication, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion.

All Furman faculty, staff members and students have a responsibility to report observed, suspected, or apparent research misconduct to the Research Integrity Officer (Director of Grants & Research Administration, RIO, Judy Romano [Judith.romano@furman.edu](mailto:Judith.romano@furman.edu)). If an individual is unsure whether a suspected incident falls within the definition of research misconduct, the individual may contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. At any time, you can have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations of research misconduct.

Once a formal allegation has been made, all faculty and staff members as well as students are responsible to cooperate with the RIO and other institutional officials in the review of allegations of research misconduct and the conduct of inquiries and investigations. All have an obligation to provide evidence relevant to allegations of research misconduct to the RIO or other institutional officials. Faculty, staff members, and students may not retaliate in any way against complainants, witnesses, or committee members. Any alleged or apparent retaliation against complainants, witnesses, or committee members shall be reported to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

Throughout the investigation, the RIO and all participants in the investigation shall, to the extent possible, limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct investigation; and, except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct investigation. The RIO shall also have the option of keeping confidential the identities of witnesses.

For more details on the policy and procedures for investigating allegations of research misconduct, please consult the Furman University Faculty Handbook.

## POLICY ON MISCONDUCT IN SCHOLARSHIP BY FACULTY

Misconduct in scholarship is historically a rare occurrence, especially at Furman University, where moral integrity is emphasized. However, should an instance arise in which misconduct by a faculty member is alleged to have occurred, the University must investigate promptly while affording the maximum protection both to the complainant and to the accused or respondent. That is the intent of this policy. This policy derives much of its principles from 42 CFR Part 93 of the Federal Register, covering the Public Health Service policies on research misconduct associated with NIH grants, and therefore keeps us compliant with federal rules and regulations on research misconduct. Citations to relevant sections of this report in the Federal Register are provided as helpful guidance. These principles are congruent with NSF's rules and regulations. In cases involving misconduct in scholarship supported by NSF, reporting back from the University would be to NSF rather than ORI. In the instances here where ORI is cited, this would be replaced with NSF as the place where such reports are submitted when research is supported by NSF.

Misconduct in scholarship means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the appropriate scholarly community for proposing, conducting, or reporting on scholarship. It does not include honest error or honest differences in interpretations or judgments of data.

The Research Integrity Officer (ROI) is responsible for informing the faculty, along with staff and students participating in scholarly research, of the University's policy with regard to misconduct in scholarship, and for interpreting this policy.

The procedure to be followed has three stages: inquiry, investigation, and resolution. These are the stages required by regulations issued in recent years by various Federal agencies. Those responsible for conducting each phase should bear in mind the following important responsibilities:

1. The University must vigorously pursue and resolve any charges of misconduct in scholarship.
2. All parties must be treated with justice and fairness, bearing in mind the vulnerabilities of their positions and the sensitive nature of academic reputations.
3. Confidentiality should be maintained to the maximum practical extent.
4. Conflict of interest must be avoided.
5. All stages of the procedure should be fully documented.
6. All parties are responsible for acting in such a way as to avoid unnecessary damage to the general enterprise of academic scholarship. Nevertheless, the University may be required to inform appropriate government agencies of its actions when the work is supported by outside grants. If it is found that misleading data or information have been published, the University is responsible for setting the public record straight, for example, by informing the editors of scholarly or scientific journals.

### B. INQUIRY (SEE §93.307-309)

The purpose of this stage is to determine, with minimum publicity and maximum confidentiality, whether there exists a sufficiently serious problem to warrant a formal investigation. It is crucial at this stage to separate substantive issues from disagreements between colleagues (at Furman or elsewhere) that may be resolved without a formal investigation.

#### 1. Initiating the Inquiry

Any allegation of misconduct in scholarship, arising from inside or outside the University, should be referred directly to the ROI. The ROI may initiate an inquiry without a specific complaint if it is felt that evidence of suspicious academic conduct exists. When a complaint comes forth, the ROI's first job is to provide a confidential assessment. If the issue involved does not amount to misconduct, satisfactory resolution through means other than this policy should be sought. However, if there is an indication that misconduct has occurred, the ROI must pursue the case even in the absence of a formal allegation.

At this stage, once an allegation has been made, the ROI must promptly take all reasonable steps to obtain custody of all research records and evidence needed to conduct an inquiry (and if needed an investigation), and then inventory and sequester these records (§93.307). The ROI should also counsel those involved (referred to hereafter as "complainants" or "respondents") that, should it be found at either the inquiry or the investigation stage that the allegations were both false and malicious, sanctions may be brought to bear against the complainant.

## 2. Inquiry Procedure

The Provost is responsible for conducting the inquiry. The Provost may call upon one or two senior persons in the field for help where specific technical expertise is required, but this need should be carefully weighed against the importance of confidentiality. The Provost should notify the President, and may call upon University legal counsel at this stage.

Every effort should be made to make personal legal counsel unnecessary for either complainant or respondent at this and all other stages, but all parties should recognize that the University counsel always acts on behalf of the institution, not one or the other parties.

An inquiry is formally begun when the Provost notifies the respondent in writing of the charges and process to follow. This and all other documents are to be preserved for seven years.

The nature of the inquiry will depend on the details of the case and should be worked out by the Provost in consultation with the complainant and respondent, with the ROI, with any colleague the Provost consults for assistance, and with University legal counsel.

At this stage, every effort should be made to keep open the possibility of resolving the issue without damage to the position or reputation of either the complainant or the respondent. However, the Provost's primary allegiance is not to the individuals but to the integrity of academic scholarship and the University. If misconduct has occurred, it must not be covered up.

The inquiry should be completed, and a written record of findings should be prepared, within 60 days of its initiation. If the 60 day deadline cannot be met, a report should be prepared citing progress to date and the reasons for the delay; the respondent and other involved individuals should receive copies.

## 3. Findings of the inquiry

The inquiry is completed when a judgment is made of whether a formal investigation is warranted. At this point, the respondent must be provided with an opportunity to offer written

comments on the University's inquiry report (§93.304(e)). An investigation is warranted if a reasonable possibility of misconduct exists. Written documentation summarizing the process and the conclusion of the inquiry must be preserved in the Provost's Office. The ROI must inform the complainant and the respondent whether the allegations will be subject to a formal investigation. If a formal investigation is warranted, any agency sponsoring the research must be notified at this point. The reporting requirements are on file in the ROI's Office, and are also referenced in the heading of this section.

If the allegation is found to be unsupported but has been made in good faith, no further action is required, aside from informing all parties and attempting to restore collegial relationships. If confidentiality has been breached, the Provost should take reasonable steps to minimize the damage done by inaccurate reports. If a complainant is not satisfied with the Provost's finding that the allegations are unsupported, the result may be appealed to the President.

### C. FORMAL INVESTIGATION (SEE §93.310-316)

An investigation is initiated within 30 calendar days when an inquiry results in a finding that an investigation is warranted, and the University must file a report to ORI with information relevant to the investigation (§93.309). The purpose of the investigation is to make a formal determination as to whether misconduct has occurred.

If an investigation is initiated, the Provost should decide whether interim administrative action is required to protect the interests of research subjects, students, colleagues, the funding agency, or the University while the investigation proceeds. Possible actions might include temporary suspension of the research in question, for example.

#### 1. The Investigation Committee

The Provost shall appoint an investigation committee. The principal criteria for membership shall be fairness and wisdom, technical competence in the field in question, and avoidance of conflict of interest. Membership of the committee need not be restricted to the faculty of the University in case outside expertise is judged to be necessary. The respondent and complainant should be given an opportunity to comment, in writing, on the suitability of proposed members before the membership is decided. The committee should be provided with funds and secretarial support if needed to enable it to perform its task. The Provost should write a formal charge to the committee, informing it of the details of its task.

#### 2. The Investigation Process

Once the investigation committee is formed, it must inform the respondent of all allegations in writing so that a response may be prepared (§93.310(c)). It is assumed that all parties, including the respondent, will cooperate fully with the investigating committee. The investigation committee is obligated to interview the respondent, complainant, and any other persons who have been identified as having information relevant to the investigation, and will record or transcribe each interview, which will be included in the record of the investigation. These records or transcriptions of the interviews will be provided to the interviewees for correction.

The Committee should call upon the help of University legal counsel in working out the procedure to be followed in conducting the investigation. The complainant and respondent should be fully informed of the procedure chosen.

Confidentiality should be maintained, except where limited information must be revealed to persons assisting the committee in order to allow a conclusive determination of the facts. Nevertheless, every attempt should be made to protect the reputations of all parties involved, including the complainant, the respondent, and any witnesses who have been interviewed or provided information.

The investigation should be completed and a full report, in accordance with §93.313, prepared within 120 days of its initiation. (If this deadline cannot be met, an interim report of the reasons for delay and progress to date should be prepared.) A draft of the committee report should be submitted to both complainant and respondent for comment within 30 days before the report becomes final. The respondent should be given the opportunity for a formal hearing before the investigation committee. University legal counsel should be called upon to assist in working out the procedure to be followed in conducting such a hearing.

#### D. RESOLUTION (SEE §93.316-317)

##### 1. Completing the research misconduct process (§93.316)

ORI expects the University to carry inquiries and investigations through to completion and to pursue diligently all significant issues. The University must notify ORI in advance if it plans to close a case at any stage on the basis that the respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except the closing of a case at the inquiry stage on the basis that an investigation is not warranted or a finding of no misconduct at the investigation state.

##### 2. No finding of misconduct

Any federal agency or other entity initially informed of the investigation should be notified promptly (see §93.315 for guidance). A full record of the investigation should be retained by the University in a secure and confidential file (but not in the personnel file of the respondent) for at least seven years. The Provost should decide what steps need to be taken to clear the record and protect the reputations of all parties involved.

If the allegations are found to have been maliciously motivated, the Provost may wish to recommend to the President appropriate disciplinary action. If the allegations are found to have been made in good faith, precautions should be taken if necessary to prevent retaliatory actions.

##### 3. Finding of misconduct

Any federal agency or other entity initially informed of the investigation should be notified promptly of the outcome (see §93.315 for guidance). The Provost should forward the committee report to the President with a recommendation of sanctions and other action to be taken. The President should review the full record of the inquiry and investigation. Possible

sanctions include dismissal from employment by the University. The President will make a decision, or in appropriate cases, recommend a final disposition to the Board of Trustees. The decision of the Board of Trustees is final.

Disclosure of the identity of respondents and complainants in research misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding and as allowed by law.

#### E. NOTIFYING ORI OF SPECIAL CIRCUMSTANCES (SEE §93.318)

If at any time during a research misconduct proceeding the following conditions exist, the University must notify ORI immediately:

1. Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
2. Health and Human Services resources or interests are threatened.
3. Research activities should be suspended.
4. There is reasonable indication of possible violations of civil or criminal law.
5. Federal action is required to protect the interests of those involved in the research misconduct proceeding.
6. The University believes the research misconduct proceeding may be made public prematurely so that HHS may take appropriate steps to safeguard evidence and protect the rights of those involved.
7. The research community or public should be informed.

Furman University wishes to thank Haverford College, Bates College, Middlebury College, The University of Hartford and the U.S. Department of Health and Human Services for providing the model policies and the federal regulations that served in large measure as the basis for this document.