

University Policy: Scholarly Misconduct Policy

Policy Category: Academic/Research Policies

Subject: Standards for conduct of scholarly, creative and professional activities at American University.

Responsible Executive: Provost

Office Responsible for Review of this Policy: Vice Provost for Research

Procedures: Scholarly Misconduct Policy Procedures

I. SCOPE

A core value of American University is that all members of the university community are expected to conduct their scholarly and professional activities with integrity and high ethical standards. Allegations of scholarly misconduct originating from inside or outside the university community are a serious matter and have the capacity to damage the perceived integrity of research, creative and professional activities conducted at the university. The University has an obligation to articulate to all scholars working under its aegis: (a) the expectation that scholarly activities are conducted with integrity and high ethical standards; and, (b) that all allegations of scholarly misconduct must be investigated promptly and fairly. The rationale for the required investigation of allegations of scholarly misconduct is three-fold: To protect the reputation of the University; to protect members of its scholarly community from false allegations of scholarly misconduct; and, to uphold standards required by agencies that sponsor research conducted at the University, the public, scholarly and professional societies. Therefore, the University articulates a policy for formal inquiries, investigations, and resolutions of all cases of allegations of scholarly misconduct, regardless of whether the research, creative or professional activities in question are sponsored or non-sponsored, and will comply with the requirements of federal and non-federal sponsors for the reporting of potential scholarly misconduct when allegations involve sponsored research projects (e.g., 42 C.F.R. Part 50, Subpart A).

This policy applies to all current and former faculty members, undergraduate and graduate students, other research trainees, staff, and all members of the scholarly, research and professional communities of American University. The policy applies to visiting faculty and students, and covers the activities of all members of the American University community on campus, off-site and on-line. This *Policy and Procedures for the Review Allegations of Scholarly Misconduct* applies to all research, creative and professional activities conducted at American University, regardless of funding source. This policy does not apply to allegations of student misconduct related to course-related assignments or activities; Allegations of misconduct related to course-related assignments or activities are within the jurisdiction or scope of the Academic Integrity Code of American University.

II. DEFINITIONS

For the purposes of the current policy, scholarly misconduct is defined at American University as plagiarism, fabrication, falsification, as well as any other significant departure from commonly recognized and accepted standards and practices in the relevant scholarly or professional communities for designing, implementing, or reviewing research, or for reporting research results. This definition of scholarly misconduct is to be distinguished from honest differences in opinion between scholars or honest errors in the research process.

- **Fabrication** means making up data or results and recording or reporting them.
- **Falsification** means 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.
- **Plagiarism** means the appropriation of another person's ideas, processes, results, creative activities and products, or words without giving appropriate credit.
- **Serious departures from commonly recognized and accepted practices** includes but is not limited to:
 - Abuse or appropriation of confidential or preliminary data from:
 - Participation in peer review of manuscripts;
 - Participation in review of proposals for funding consideration;
 - or
 - Participation in review processes internal to the University (IRB, IACUC, IBC, or internal funding initiatives).
 - Stealing, destroying, damaging or altering the academic or creative property of others; or
 - Directing, encouraging, or knowingly allowing others to fabricate, falsify, plagiarize research materials, or steal, destroy or damage the academic or creative property of others.

Other Definitions Relevant to the Current Policy Include:

- **Allegation** means a disclosure of possible scholarly misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to a person with a recognized administrative role at American University.
- **Complainant** means a person who in good faith makes an allegation of scholarly misconduct.
- **Conflict of interest and commitment** means a specific situation in which there is a clear separation between the interests of a person (e.g., a member of the faculty, staff or administration) and his/her professional obligations to American University, to an extent that an independent observer might reasonably question whether the person's professional actions or decisions are determined by considerations other than the best interests of the University.
- **Deciding Official:** the official at a higher organizational level than any other individual directly involved with the allegation of scholarly misconduct who is delegated the authority to make final decisions on such allegations. At AU, the Deciding Official is the Provost.
- **Evidence** means any document, tangible item, or testimony offered or obtained during a scholarly misconduct proceeding that tends to prove or disprove the existence of an alleged fact.
- **Faculty members** means anyone who has an academic appointment at American University. The term "faculty" includes individuals designated as "visiting" or "adjunct," as well as those who are currently or previously employed by AU. It also includes individuals who have academic appointments in the University Library, the Washington College of Law, and the Pence Law Library.
- **Good faith** as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have based on the information known to the complainant or witness at the time. An allegation or cooperation with a scholarly misconduct proceeding is not in good faith if made with knowing or reckless disregard for information that would negate the allegation or testimony. Good faith as applied to a committee member means cooperating with the scholarly misconduct proceeding by carrying out the duties assigned impartially for the purpose of helping the University meet its responsibilities under this policy. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

- **Inquiry** means the initial process under this policy for gathering information, gathering and preliminary fact-finding that meets the criteria and follows the procedures for the review of allegations of scholarly misconduct as identified in this policy.
- **Investigation** means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of scholarly misconduct or to a recommendation for a finding of scholarly misconduct which may include a recommendation for other appropriate actions, including administrative actions.
- **Investigator** means any individual who designs, conducts, analyzes or reports research.
- **Other trainees** means current or former pre-doctoral and post-doctoral trainees and fellows or anyone else affiliated with the University in a temporary research training position.
- **Preponderance of the evidence** means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.
- **Reckless** means that one has acted in a manner to the point of not appearing to care about the consequences.
- **Research** means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research). The term research includes basic research, applied research, professional activities, creative work, and a range of training activities within and across disciplines and professions in the academic setting, on- or off-campus.
- **Research record** means any data, documents, computer files of any form, or any other written or non-written accounts or objects that reasonably may be expected to form a basis for evidence or information for proposed, conducted or reported research. A research record may include, but are not limited to: funded or unfunded grant or contract applications; grant or contract progress or other reports; laboratory notes or notebooks; laboratory records in any format; theses or dissertations; study abstracts; posters or oral presentations; internal reports; unpublished manuscripts and publications; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; clinical records; and research subject files.
- **Research staff** means current or former administrators who support research activities, individuals specifically granted PI status by Deans and the Vice Provost for Research (VPR), visiting scholars conducting research at American University, and research or laboratory technicians.

- **Respondent** means the individual(s) against whom an allegation of scholarly misconduct is directed, or who is the subject of an inquiry or investigation.
- **Retaliation** means an adverse action taken against a complainant, witness, or committee member by the University or one of its members in response to (a) a good faith allegation of scholarly misconduct; or (b) good faith cooperation with a research misconduct proceeding.
- **Sequestration** means the collection and segregation of research records, equipment, and other forms of relevant information to assess scholarly misconduct allegations during an investigation.
- **Sponsored Programs** means research, training, and instructional activities involving funds, materials, gifts, or other forms of compensation from external governmental or non-governmental organizations under agreements with American University.
- **Students** means those individuals accepted and enrolled, as well as enrolled previously, in academic programs of any kind at American University.

III. ROLES AND RESPONSIBILITIES

Provost

The Provost receives the results of scholarly misconduct investigations and determines, in consultation with the VPR, the Deputy Provost and Dean of Faculty (DPDF), and other appropriate Dean(s), and invokes any minor or major sanctions or disciplinary actions imposed. As such, the Provost is the Deciding Official at AU.

Vice Provost for Research (VPR)

The VPR serves as the Research Integrity Officer (RIO) of the University who has primary responsibility for the implementation of this policy and oversees implementation procedures related to this policy. As appropriate, the VPR consults with the DPDF and the relevant Dean(s) in the assessment of allegations of scholarly misconduct. The VPR ensures that all appropriate review procedures are implemented promptly following allegations of scholarly misconduct. The VPR receives the final reports of the scholarly misconduct inquiry and investigation committees, as well as the written comments of the respondent. The VPR makes recommendations to the Provost following the results of scholarly misconduct investigations. The VPR assesses allegations of scholarly misconduct, and determines if the allegations merit inquiries, and oversees both the inquiry and investigation processes. In these capacities, the VPR serves as the RIO for the University.

The VPR has the authority to sequester research records and other relevant information and documents following allegations of scholarly misconduct. The VPR

documents allegations of scholarly misconduct, communicates with the parties involved, obtains, disseminates, and summarizes information relevant to allegations of scholarly misconduct and sequesters information for the inquiry and investigation committees. The VPR facilitates committee meetings to address allegations of scholarly misconduct.

The VPR oversees the activities of the inquiry and investigation committees, and any other institutional personnel involved in proceedings governed by this policy, to ensure compliance with this policy, its procedures and all applicable standards imposed by federal or other external funding sources. If a respondent admits responsibility or a complainant refutes allegations of scholarly misconduct, the VPR ensures that the allegation is handled and closed with due diligence and, as required, notifies federal oversight agencies. The VPR ensures that proper and timely reporting to relevant external agencies is made for any investigation of substantial scholarly misconduct. The VPR maintains files for all relevant documents and ensures the confidentiality and security of the files, including sequestered records and the documentation of inquiry and investigation proceedings. If allegations of scholarly misconduct involving present or former research personnel of American University also involve outside institutions, the VPR coordinates activities with outside institutional officials.

Deans

The Deans oversee implementation of this policy in their respective colleges and the Library. The Deans report any knowledge of allegations of scholarly misconduct to the Provost, the DPDF and/or the VPR. The deans ensure cooperation of respondents and other individuals in their respective colleges when allegations of scholarly misconduct occur, including the sequestration of research records or other relevant information and documentation related to allegations of scholarly misconduct.

Institutional Compliance Officer (ICO)

The ICO, at the direction of the VPR, coordinates the inquiry and investigation processes. The ICO must maintain strict confidentiality, as defined in this policy, with regard to all allegations of scholarly misconduct and subsequent proceedings. The ICO assists and facilitates the work of the VPR throughout inquiries and investigations associated with allegations of scholarly misconduct. The ICO serves as the liaison, among the committee members, the complainant, and the respondent. The ICO is responsible for educating complainants, respondents, and committee members about the University's process for conducting different forms of scholarly misconduct proceedings. The ICO also provides ongoing support and guidance to committee members during scholarly misconduct proceedings.

Complainant

The complainant is required to make allegations in good faith, to maintain confidentiality, and to cooperate with any inquiry and investigation processes that follow an allegation. The complainant may submit evidence to the inquiry and investigation committees. The complainant may also appear before the inquiry committee, if requested to do so. The complainant may be interviewed by, and present evidence to, the investigation committee. The complainant may review and comment upon the draft inquiry and investigation committee reports, within a period of 15 calendar days. The complainant will be informed of the results of the inquiry and investigation.

Respondent

The respondent is required to maintain confidentiality and to cooperate with both an inquiry and an investigation. The respondent is informed in writing of the allegations at the time that either an inquiry or an investigation is initiated and is notified in writing of the final determinations and any resulting actions. The respondent is required to cooperate with all elements of an inquiry or an investigation, including wherever possible the potential sequestration of relevant research records. Research records are sequestered in such a way as to minimize disruption to the respondent's ongoing research program. The ICO will provide to the respondent an inventory of all items sequestered. The respondent may also submit evidence to the inquiry or investigation committees. The respondent may, if requested to do so, be interviewed by and present evidence to either the inquiry or the investigation committees. The respondent may review and comment upon the draft inquiry and investigation committee reports. The University does not tolerate and affirmatively prohibits retaliation against individuals who have made good faith allegations of scholarly misconduct.

Inquiry Committee

The inquiry committee conducts an initial review of evidence to determine whether or not a full investigation is merited. An inquiry does not require a full review of all the evidence related to the allegation of scholarly misconduct. The inquiry committee determines whether the allegation of scholarly misconduct warrants an investigation based on an initial review of the available evidence. The inquiry committee may also identify issues that would provide the rationale for expanding the scope of an investigation beyond the initial allegation of scholarly misconduct. If the inquiry committee recommends the expansion of the scope of an investigation beyond the initial allegation, the VPR must notify the respondent in writing and give the respondent an opportunity to respond to the expanded set of issues. The inquiry committee does not make a final determination based on the evidence presented to substantiate allegations of scholarly misconduct. The inquiry committee prepares a

final report that includes a recommendation as to whether specific allegations warrant further investigation and the rationale for that recommendation.

Investigation Committee

The investigation committee conducts a full examination of all evidence relevant to an allegation, including interviewing the respondent, the complainant, and others, as appropriate, to determine based on a preponderance of evidence whether scholarly misconduct has occurred. The committee also determines who was responsible for the scholarly misconduct and its seriousness. The investigation committee may also identify issues that would provide the rationale for expanding the scope of an investigation beyond the initial allegation of scholarly misconduct. If the investigation committee recommends the expansion of the scope of an investigation beyond the initial allegation, the VPR must notify the respondent in writing and give the respondent an opportunity to respond to the expanded set of issues. The investigation committee prepares a final report that includes a finding for each allegation of scholarly misconduct, the names of the responsible parties, and the seriousness of the misconduct.

Inquiry/Investigation Committee Chair

Each inquiry/investigation committee must select a committee chair from among its members who takes the lead in drafting the committee's final report. Working with the ICO, the committee chair summarizes the process followed, the deliberations of the committee, its final decisions, and any dissenting comments from committee members into the final report and distributes it to all committee members for signature. The structure of the committee report must follow the required elements outlined in the implementation procedures of this policy. The committee chair must give the respondent the opportunity to comment and ensure that the respondent's comments are integrated into the structure of the final committee report.

IV. POLICY

Responsibility to Report Scholarly Misconduct

All persons employed by, or affiliated with American University have a duty to make a report when they observe or suspect apparent scholarly misconduct. An initial allegation should be reported to a department chair, division director, University Librarian, Dean or another front-line administrative official. Allegations of suspected scholarly misconduct can also be made directly VPR or to the DPDF. If reports of suspected scholarly misconduct are made to Deans, including the University Librarian, the Deans communicate such reports to the VPR. If an individual does not know if a suspected incident meets the definition of scholarly misconduct, he or she may contact the VPR directly to discuss the incident informally. The VPR may refer

the individual to other offices or officials as appropriate if the incident involves compliance issues other than scholarly misconduct.

Responsibility of Institution to Respond to Credible Reports of Allegations of Scholarly Misconduct

A core value of American University is that research and scholarly activities conducted by members of its academic, research and professional communities are done so with the highest standards of integrity and ethics. Therefore, when there is an allegation of scholarly misconduct it is evaluated in a timely manner to determine if there is specific and credible information that merit an inquiry process. While American University protects complainants against possible retaliation, the University is also vigilant with regard to the detection of false, malicious or frivolous allegations of scholarly misconduct made from inside or outside the University academic community. The VPR and the ICO work together to assess carefully all allegations reported to the VPR. The VPR and the DPDF consider allegations and forward ones that appear to be credible to an inquiry process. The VPR ensures that:

- The assessment of allegations and the inquiry or investigation processes are completed in a timely manner that is objective, thorough, and competent;
- Bias and conflict of interest by those involved in the inquiry and investigation processes are minimized and managed.

With regard to possible notification regarding the assessment, inquiry or investigation proceedings, the University reserves the right to notify appropriate regulatory, legal or funding authorities outside the university in the following circumstances:

- A significant threat to public health or safety exists;
- A violation of an agreement with a funding agency appears to have occurred;
- A violation of civil or criminal law appears to have occurred;
- A suspension of research activities is warranted;
- Outside intervention is warranted to protect the interests of those involved in the assessment, inquiry or investigation processes; or,
- There is a compelling need to inform the public or the research community.

Cooperation with Inquiries and Investigations

Categories of individuals named in this policy statement and the procedures for its implementation are obliged to cooperate with the VPR and other participating institutional officials during the assessment of allegations and subsequent inquiries and investigations. University employees, including respondents, are required to provide evidence relevant to scholarly misconduct allegations to the VPR or other participating institutional officials.

Legal Counsel

The inquiry and investigation committees are generally conducted without the presence of legal counsel for either the University or the respondent. A faculty member may receive the assistance of counsel of his or her choosing and at his or her cost. Counsel may be present to advise the faculty member but may not address the committee directly and does not otherwise participate in the inquiry or investigation processes. An inquiry or investigation committee may seek legal counsel through the Office of the General Counsel.

Protection of Complainant and Others

It is the responsibility of the VPR to ensure the fair and equitable treatment of all parties involved in any stage of an allegation of scholarly misconduct. University employees may not retaliate in any way against complainants, witnesses or committee members. The University assures that these individuals will not experience retaliation with regard to employment status at the institution or other work-related privileges. The VPR is responsible for reviewing potential incidents of retaliation and referring them to the DPDF for disciplinary action. Allegations of retaliatory actions should be reported immediately to the VPR. The VPR will review the matter, and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation.

Confidentiality

The University shall: (1) 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 scholarly misconduct proceeding; and (2) 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 scholarly misconduct proceeding.

Protection of Respondent

Inquiries and investigations stemming from allegations of scholarly misconduct are conducted following procedures designed to ensure the fair treatment of the respondent of those allegations. Confidentiality is preserved to the fullest extent possible, but is not always possible, e.g., when a disclosure to an outside agency is warranted or a disclosure occurs in the context of a thorough and impartial investigation. Assessments, inquiries and investigations are conducted following procedures to ensure their prompt resolution while safeguarding the rights of parties involved in the process.

Restoration of Reputations

The University will make all reasonable attempts, where warranted, to make whole the reputations of individuals when allegations of scholarly misconduct are made against them but are determined to be unfounded.

Referrals

If the University's review of allegations of scholarly misconduct results in a determination that other forms of misconduct occurred instead of scholarly misconduct, the VPR will refer these findings to the appropriate university or outside official for action.

V. EFFECTIVE DATE AND REVISIONS:

This Policy is effective as of February 19, 2013; Reviewed March 2015.