

The University of Tulsa

Ethical Conduct in Academic Research and Scholarship

I. Background/Introduction

The integrity of the research process is an essential aspect of a university's intellectual and social structure. Research is defined as all investigative, scholarly, and creative activity that supports the intellectual endeavors of the University. Although incidents of misconduct in research may be rare, those that do occur threaten the entire research enterprise.

The integrity of the research process must depend largely upon self-regulation. Formalization of the rights and responsibilities underlying scientific method is imperative in the research process. The University is responsible both for promoting academic practices that prevent misconduct and also for developing policies and procedures for dealing with allegations or other evidence of fraud or serious misconduct. All members of the University community--students, staff, faculty and administrators--share responsibility of developing and maintaining standards to assure ethical conduct of research and detection of abuse of these standards.

In dealing with this problem it is important to create an atmosphere that encourages openness and creativity. Good and innovative science cannot flourish in an atmosphere of oppressive regulation. Moreover, it is particularly important to distinguish misconduct in research and scholarship from the honest error and the ambiguities of interpretation that are inherent in the scientific process and are normally corrected by further research. The policies and procedures outlined below apply to faculty, staff and students; however, they are not intended to address all academic issues of an ethical nature. For example, discrimination and affirmative action are covered by other University policies.

II. Ethical Conduct in Academic Research and Scholarship

The primary way to encourage appropriate conduct in research and scholarship at the University is for faculty to promote and maintain a climate consistent with high ethical standards. To reduce the likelihood of misconduct in research and scholarship, the faculty and administration should facilitate the following.

- A. Encouragement of intellectual honesty. Because of the importance of a climate of intellectual honesty in a university community, a commitment to the ethical responsibilities of academia by all of its practitioners is essential. We must emphasize the importance of such common practices as submission of work to peer review, avoidance of conflict of interest, scholarly exchange of ideas and data, and self-regulation. Mentor relationships between academic leaders and new practitioners serve to guarantee the transmission of ethical standards.
- B. Assurance that quality of research, scholarship, and creative activity is emphasized.

- C. Acceptance of responsibility by supervisor as appropriate to the discipline. University policies must define a locus of responsibility for the conduct of research and must ensure that the individual(s) charged with the supervision of researchers can realistically execute the responsibility. These supervisors of research should be experienced academicians who serve as mentors in transmitting the ethics and responsibilities underlying scientific and humanistic research. The larger the research team, the more critical the role of the supervisor in promoting open communication and scholarly exchange of ideas, data, and results. It is also the responsibility of the supervisor to encourage publication of as much primary data as possible.
- D. Establishment of well-defined research procedures. Well-designed and strictly-adhered-to research methods are a deterrent to fraud. Bias in data analysis and interpretation will be avoided by following practices common to the disciplines.
- E. Appropriate assignment of credit and responsibility. Publications should recognize the contributions of others through adequate citation and/or acknowledgement. Publications should also name as authors only those who have had a genuine role in the research and who accept responsibility for the quality of the work being reported.

III. Definitions

- A. "Misconduct in research and scholarship" means any form of behavior which entails an act of deception whereby one's work or the work of others is misrepresented. Other terms, such as research fraud or scientific misconduct, are subsumed within the term as defined. Misconduct in research and scholarship does not include honest error, or honest differences of interpretations or judgments of data. The principal element of misconduct in research and scholarship is the intent to deceive others or misrepresent one's work. Misconduct involves significant breaches of integrity which may take numerous forms such as, but not limited to, those outlined below:
 1. Falsification of Data: Ranging from fabrication to deceptive selective reporting of findings and omission of conflicting data, or willful suppression and/or distortion of data with the intent to falsify results.
 2. Plagiarism: The misappropriation of the written work of another and its misrepresentation as one's own original work.
 3. Improprieties of Authorship: Improper assignment of credit, such as excluding other authors, inclusion of individuals as authors who have not made a definite contribution to the work published; or submission of multiauthored publications without the knowledge of all authors.
 4. Misappropriation of the ideas of others: The unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.
 5. Violation of Generally Accepted Research Practices: Deceptive practices in proposing, conducting, or reporting research.

6. Material Failure to Comply with Governmental Requirements or Contractual Agreements Affecting Research: Including but not limited to serious, substantial, or repeated, willful violations involving the use of funds, care of animals, human subjects, investigational drugs, recombinant products, new devices, radiation, or radioactive, biologic or chemical materials.
7. Inappropriate Behavior in Relation to Misconduct: Including unjust and malicious accusation(s) of misconduct; failure to report misconduct; withholding or destruction of information relevant to a claim of misconduct in research and scholarship; or malicious retaliation against persons involved in the allegation or investigation of misconduct in research and scholarship.

B. "Inquiry" means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

C. "Investigation" means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

IV. Policy

Misconduct in research and scholarship is inappropriate behavior by members of this University community. Allegations of misconduct in research and scholarship will be handled according to the policies and procedures included herein.

V. Procedures

A. Introduction

The several stages of the review process are discussed in detail in the remainder of this document. However, the imperatives that guide this institutional review process for dealing with allegations of misconduct in research and scholarship are the following:

1. The process used will seek to avoid damage to science or scholarship.
2. The University will provide vigorous leadership in the pursuit and resolution of all charges.
3. The principles of due process will be observed and the University will treat all parties with justice and fairness and be sensitive to their reputations and vulnerabilities.
4. The procedures will preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
5. The integrity of the process will be maintained by painstaking avoidance of real or apparent conflict of interest.

6. The procedure will be as expeditious as possible leading to the resolution of charges in a timely manner.
7. The University will document the pertinent facts and actions at each stage of the process.
8. The University will pursue allegations within the scope of this policy without regard to whether related civil or criminal proceedings have been initiated or are underway. The University, may, at its option, suspend inquiry/investigation temporarily but is not under obligation to do so, as the standards of the University may differ from those of the courts.
9. After resolving allegations, the University will discharge its responsibilities both internally - to all involved individuals - and externally - to the public, the sponsors of research, the scientific literature, and the research community, to extent that is appropriate and allowable.

B. Initiation of an Allegation of Misconduct

Initial allegations, in writing, may be reported to any faculty member or administrator. All such allegations must then be reported to the Provost and Senior Vice President or his/her designee. (The term "Provost" in the balance of this document shall mean "the Provost and Vice President for Academic Affairs or his/her designee.") If the Provost has a possible conflict of interest, the allegations will be referred to the President of the University.

The Provost shall informally review any allegation of misconduct in research and scholarship, confer with the appropriate Dean(s) or Director(s) and with legal counsel, and determine whether the allegation warrants initiation of the inquiry process according to the policies and procedures for misconduct in research and scholarship, or whether other policies and procedures, such as those relevant to employment grievances, should be invoked. The Provost will counsel the individual(s) bringing the allegation as to the policies and procedures to be used. If the reporting individual chooses not to pursue the allegation but the Provost believes that reasonable suspicion exists to warrant an inquiry, the inquiry process will be initiated.

Even if the individual against whom the allegation is made (hereafter referred to as the respondent) leaves or has left the University before the case is resolved, the University will pursue an allegation of misconduct to its conclusion.

C. Inquiry

1. Purpose

Whenever a warranted allegation or complaint involving the possibility of

misconduct is made, the Provost will initiate an inquiry--the second step of the review process. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is designed to separate allegations deserving of further investigation from frivolous, unjustified, or clearly mistaken allegations.

2. Structure

- a. The Provost will, after a decision to proceed with an inquiry, and after consultation with the Director of Research and/or the Chair of the Research & Development Council of the University Senate, appoint an inquiry Committee of no less than three persons. At least two members will be senior faculty who are without conflict of interest, hold no appointment in the departments of either the complainant or the respondent, and have appropriate expertise for evaluating the information relevant to the case. At least one member shall not be associated with The University of Tulsa. Every effort will be made following initial administrative review of the allegation to appoint a Committee of Inquiry within 15 days but the committee must be appointed within 30 working days.
- b. The Provost shall appoint a chairperson to handle procedural and administrative matters.
- c. Records of the inquiry are confidential and are to be passed on to a Committee of Investigation if formal review is initiated. In any case, the records should be kept secure, and if no misconduct is found, records should be destroyed three years after completion of an inquiry. Making the records public without authorization is grounds for a charge of misconduct. At the option of the Committee, proceedings will be either tape-recorded or transcribed and will be made available to involved parties upon request.
- d. The inquiry phase will be completed within 60 calendar days of its initiation unless the Committee determines that circumstances clearly warrant a longer period. In such circumstances, the Committee will advise the Provost who will advise all relevant parties. The record of the inquiry will include documentation for exceeding the 60-day period.
- e. As the inquiry is informal and intended to be expeditious, principals are expected to speak for themselves. All individuals may be accompanied by a representative for advice and counsel.

3. Process

- a. The Provost is responsible for notifying all parties in writing of the allegations and of the procedures that will be used to examine the allegations. Further,

they will be informed of the proposed membership of the Committee of Inquiry for the purpose of identifying in advance any real or potential conflict of interest.

- b. Where the complainant seeks anonymity, the Committee of Inquiry shall operate in such a way as to maintain that anonymity to the degree compatible with accomplishing the fact finding purpose of the inquiry. Such anonymity can not, however, be assured. Further, anonymity of the complainant is neither desirable nor appropriate where the testimony or witness of the complainant is important to the substantiation of the allegations.
- c. Information, expert opinions, records and other pertinent data may be requested by the Committee. All involved individuals are obliged to cooperate with the Committee of Inquiry by supplying such requested documents and information.
- d. Access during the inquiry of copies of all documents reviewed by the Committee will be assured to all parties. All material will be considered confidential and shared only with those with a need to know. During the inquiry, the Provost and the members of the Committee of inquiry are responsible for the security of relevant documents. Copies of all documents and related communications are to be securely maintained in the Office of Research.

4. Findings

- a. The completion of an inquiry is marked by a determination of whether or not an investigation is warranted. The Committee shall find no misconduct unless a majority of the members conclude, based on the preponderance of evidence for each allegation, that the allegation(s) have sufficient merit to call for an investigation. The outcome of the Committee of Inquiry will be conveyed in writing to the Provost who will be responsible for communication of the findings to the respondent within ten working days. The respondent shall be given the opportunity to comment in writing upon the findings and recommendations of the Committee. If the respondent chooses to comment, such comments shall be forwarded to the Provost as soon as possible but must be forwarded within ten working days.
- b. If the outcome of the inquiry indicates a need for formal investigation, the Committee will communicate its findings to the Provost who then, after notification to the appropriate Dean(s) and legal counsel, will initiate the investigatory process. Under certain circumstances, as defined by federal regulations, the institution may be expected to notify the sponsoring agency or funding source at a point prior to the initiation of an investigation. Factors used in determining the timing of such notification include the following: (1) There is

an immediate health hazard involved; (2) There is an immediate need to protect Federal funds or equipment; (3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any; (4) It is probable that the alleged incident is going to be reported publicly; (5) There is a reasonable indication of possible criminal violation.

- c. If an allegation is found to be unsupported but has been submitted in good faith, no further action, other than informing all involved parties, will be taken. The proceedings of an inquiry, including the identity of the respondent, will be held in strict confidence to protect the parties involved. If confidentiality is breached, the University will take reasonable steps to minimize the damage to reputations that may result from inaccurate reports.
- d. If the Committee finds the allegations to be unjust and malicious, the Committee will report those findings to the Provost. At this time, the Provost may take such actions, or impose such sanctions, as are appropriate to the situation.

D. Investigation and Determination

1. Purpose

An investigation will be initiated when an inquiry issues a finding that investigation is warranted. The purpose of investigation is to explore further the allegations and determine whether misconduct in research and scholarship has been committed. The investigation will focus on accusations of misconduct as defined previously and examine the factual materials of each case. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent will be informed in writing when significant new directions of investigation are undertaken.

2. Structure

- a. The Provost will, after a decision to proceed with a formal investigation, and after consultation with the chair of the University Research and Development Council, appoint an investigating Committee of no less than three persons. At least two members will be senior faculty who are without conflict of interest, hold no appointment in the departments of either the complainant or the respondent, and have appropriate expertise for evaluating the information relevant to the case. At least one member shall not be associated with The University of Tulsa. No member of the Committee of Inquiry shall serve on the Investigating Committee. Every effort will be made following the receipt of the report of the Committee of Inquiry to appoint an Investigating Committee within 15 working days, but the Committee must be appointed within 30 working days.

- b. At its first meeting, the Committee will elect a chairperson to handle procedural and administrative matters.
- c. Hearings are confidential and may be declared closed by request of any of the principals. Written notification of hearing dates and copies of all relevant documents will be provided by the Provost in advance of scheduled meetings. At the option of the Committee, proceedings will be either tape-recorded or transcribed and will be made available to involved parties upon request.
- d. Every effort should be made to complete the investigation within 120 days; however, it is acknowledged that some cases may render this time period difficult to meet. In such cases, the Investigating Committee should compile a progress report, identify reasons for the delay and notify the Provost of the additional time necessary for the investigation. The Provost shall convey to the funding agency such information as may be required by it, and at intervals as required by the agency.
- e. Both the principals and the Investigating Committee may speak for themselves, have a representative act in his/her behalf or have a representative accompany him/her.

3. Process

- a. The Provost is responsible for notifying all parties in writing of the allegations and of the procedures that will be used to examine the allegations. Further, they will be informed of the proposed membership of the Committee of Investigation for the purpose of identifying in advance any real or potential conflict of interest. Under certain circumstances, as defined by federal regulations, the institution may be expected to notify the sponsoring agency or funding source at a point prior to the initiation of an investigation. Factors used in determining the timing of such notification include the following: (1) There is an immediate health hazard involved; (2) There is an immediate need to protect Federal funds or equipment; (3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any; (4) It is probable that the alleged incident is going to be reported publicly; (5) There is a reasonable indication of possible criminal violation.
- b. All parties to the case, including the Investigating Committee, may present evidence, and call and examine or cross-examine witnesses. The investigation normally will include examination of all documentation, including but not necessarily limited to relevant research data and proposals, publications, correspondence, and memoranda of telephone calls. The Committee will make

every attempt to interview all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews will be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. Additional hearings may be held and the Committee may request the involvement of outside experts. The investigation must be sufficiently thorough to permit the Committee to reach a decision about the validity of the allegation(s) and the scope of the wrongdoing or to be sure that further investigation is not likely to alter an inconclusive result. In addition to making a judgment on the veracity of the charges, the Committee may recommend to the Provost appropriate sanctions if warranted.

- c. As the University is responsible for protecting the health and safety of research subjects, students and staff, interim administrative action prior to conclusion of either the inquiry or the investigation may be indicated. Such action ranging from slight restrictions to complete suspension of the respondent and notification of external sponsors, if indicated, is initiated by the Provost.
- d. All parties in the investigation are encouraged to cooperate by producing any additional data requested for the investigation. Copies of all materials secured by the Committee shall be provided to the respondent and may be provided to other concerned parties as judged appropriate by the Committee.
- e. The respondent shall have an opportunity to address the charges and evidence in detail.
- f. After all evidence has been received and hearings completed, the Investigating Committee shall meet in closed sessions to deliberate, and prepare its findings and recommendations. The Committee shall find no academic misconduct unless a majority of the members conclude beyond a reasonable doubt that the allegation(s) have been substantiated.
- g. All significant developments during the investigation as well as the findings and recommendations of the Committee will be reported by the Provost to the research sponsor, if appropriate.

4. Findings

- a. Upon completion of the investigation the Committee will submit to the Provost a full written report which details the Committee's findings and recommendations. The Committee's findings are binding upon the institution subject to appeal by the respondent.

- b. This report should also be sent to the respondent by the Provost within 10 days of its receipt.

5. Resolution

a. Finding of Absence of Academic Misconduct

All research sponsors and others initially informed of the investigation will be informed in writing that allegations of misconduct were not supported. If the allegations are deemed to have been maliciously motivated, the Committee will report those findings to the Provost. If the allegations, however incorrect, are deemed to have been made in good faith, no additional measures are indicated and efforts will be made to prevent retaliatory actions. In publicizing the findings of no misconduct, the University will be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been damaged. Usually, such decision will rest with the person who was innocently accused.

b. Presence of Academic Misconduct

The Provost shall consider the recommendations of the Committee and shall be responsible for determining and implementing sanctions. The respondent shall be notified in writing of the recommended sanctions within 20 days. If the sanctions involve a recommendation for termination of employment, the University academic termination procedures will be invoked. The University must take action appropriate for the seriousness of the misconduct, including, but not limited to, one or more of the following:

Institutional Disciplinary Action including:

- Removal from a particular project
- Special monitoring of future work
- Letter of reprimand
- Probation for a specified period with conditions specified
- Suspension of rights and responsibilities for a specified period, with or without salary
- Financial restitution
- Termination of employment/enrollment

Notification: The Provost is responsible for notification of all federal agencies, sponsors or other entities initially informed of the investigation, of the outcome. Consideration should be given to formal notification of involved parties such as:

- Sponsoring agencies, funding sources
- Co-authors, co investigators, collaborators, department, campus University publications
- Editors of journals in which fraudulent research was published

- State professional licensing boards
- Editors of journals or other publications, other institutions, sponsoring agencies, and founding sources with which the individual has been affiliated
- Professional societies

Sanctions shall not be imposed during the appellate process.

6. Appeal

Individuals may appeal the judgment of the Investigating Committee and/or the sanction. A written statement of the grounds for the appeal must be submitted to the President within thirty days of written notification of the sanctions. Grounds for appeal include, but are not limited to new, previously unconsidered material evidence, sanctions not commensurate with the findings, and lapses in due process. Upon receipt of a written appeal, the President will evaluate the evidence and make a determination. The President shall reopen the investigation if the previously unconsidered material evidence so warrants and may reopen the investigation if circumstances so dictate. The President's decision will be binding on all parties and will be conveyed to all involved in a timely fashion, but must be conveyed within 30 working days. In the case of termination, the President's decision may be appealed to the Board of Trustees. All evidence, as well as the record of the proceedings, will be made available to the Board.

Amended and recommended for approval by The University Senate November 29, 1990 and April 18, 1991.

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