Misconduct in Research

Policy Statement

A fundamental purpose of the College is to foster an environment that promotes the responsible conduct of Research and similar educational activities, discourages Research Misconduct, and deals promptly with any allegations or evidence of possible Research Misconduct. It is the College’s basic expectation that all Research conducted by members of the College Community will adhere to the highest ethical and moral standards.

This Policy describes the procedures to be followed by the College in response to any allegation that College faculty, staff, and/or postdoctoral associates, whether paid by the College or through other funding sources, may have engaged in Research Misconduct. Similar to 42 CFR Parts 50 and 93, Public Health Service Policies on Research Misconduct; Final Rule, this Policy applies only to allegations of Fabrication, Falsification, and Plagiarism in Research, and not to other kinds of academic misconduct or dishonesty.

Entities Affected by the Policy

This policy applies to any person who, at the time of the alleged Research Misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with the College, including any temporary or adjunct members of the Research staff and other trainees.

This policy applies with equal force to unfunded Research, Research funded by the College, and Research funded by an external entity. This policy applies to the conduct of Research or
Research training, reporting to sponsors, presentation or publication of results, and the process of applying for sponsored funding.

Student Research Misconduct, where the faculty mentor was not involved, falls under the jurisdiction of the Student Code of Conduct.

**Policy Background**

No comprehensive policy addressing this issue previously existed.

This Policy does not supersede or establish an alternative to any existing College or governmental regulations, procedures, or policies regarding fiscal improprieties, conflicts of interest, ethical treatment of human or animal subjects, or criminal matters, all of which remain in effect.

**Policy Procedures**

Any employee of the College who has reason to suspect Research Misconduct with regard to either the conduct or reporting of Research has the responsibility to report the alleged Research Misconduct under this Policy.

Allegations of Research Misconduct could arise from external parties including Manhattanville College students.

Allegations of Research Misconduct are to be made only in good faith and based on credible evidence as opposed to insignificant deviations from acceptable practices, technical violations of rules, simple carelessness, and minor infractions. Such allegations are a very serious matter and all parties involved should take every possible measure to ensure that the rights and reputations of all individuals named in such allegations as well as individuals who, in good faith, report the apparent Research Misconduct are carefully protected.

**Initial Evaluation**

Allegations of Research Misconduct should be reported to the Chair, Institutional Review Board, who will treat any allegation as a confidential matter. If the Chair, IRB, is the Complainant, the allegation will be reported directly to the Vice President for Academic Affairs/Provost. The Chair, IRB, will review the credible evidence presented. If the Chair, IRB determines that the concern is indeed one of possible Research Misconduct, the IRB Chair will notify the Vice President for Academic Affairs/Provost since the VPAA/Provost appoints the Investigation Committee. If the Complainant bringing the allegation does not agree with the IRB Chair’s decision to not move forward with the possible Research Misconduct allegation, the
Complainant can notify the VPAA/Provost of the allegation, who will make the decision to move forward, if appropriate.

**Investigation**
The purpose of the Investigation is to explore further the allegations and determine whether Research Misconduct has been committed.

An Investigation must include a careful examination of the facts involved in the allegations, including interviews, if warranted, with all persons involved. The Investigation will ordinarily be completed within 60 Working Days. Exceptions to the completion period could be granted by the VPAA/Provost.

All specific requirements concerning timing, reporting, documentation, and confidentiality will be met in accordance with the appropriate federal regulations or the policies of any agency or organization funding the Research. A written report shall be prepared by the Investigation Committee stating evidence reviewed which could include, but is not limited to, documents, interviews, and other relevant evidence. The written report will also include conclusions and recommendations. The Respondent shall be given a copy of that report and may comment on the report within ten Working Days of receipt of the report. Those written comments will be made part of the record. In finalizing its report, the Investigation Committee must consider the Respondent’s comments in the Investigation Committee’s final conclusions and recommendations.

The Investigation Committee will submit its final report to the VPAA/Provost. If the Investigation Committee determines that Research Misconduct has indeed occurred, the VPAA/Provost will meet with the Respondent prior to rendering a decision. If the VPAA/Provost determines that Research Misconduct has occurred, the VPAA/Provost decides what administrative sanctions to impose and/or what further disciplinary procedures should be undertaken.

The Respondent found to have committed Research Misconduct and against whom administrative sanctions are imposed by the VPAA/Provost may appeal the VPAA/Provost's decision to the President. This appeal is in writing only and must be filed within 10 Working Days of the Respondent’s receipt of the VPAA/Provost’s decision. The President’s decision is final.

**Restoration of the Respondent’s Reputation**
Following a final finding of no Research Misconduct, the VPAA/Provost must, at the request of the Respondent, undertake all reasonable and practical efforts to restore the Respondent’s reputation.

**Protection of the Complainant, Witnesses and Investigation Committee Members**
During the Research Misconduct proceeding and upon its completion, the VPAA/Provost must
undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any Complainant who made allegations of Research Misconduct in good faith and of any witnesses and Investigation Committee members who cooperated in good faith with the Research Misconduct proceeding. The President will determine, after consulting with the VPAA/Provost, and with the Complainant, witnesses, or committee members, where applicable, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them.

Allegations Not Made or Investigated in Good Faith
If relevant, the VPAA/Provost determines whether the Complainant’s allegations of Research Misconduct were made in good faith, or whether a witness or Investigation Committee member acted in good faith. If the VPAA/Provost determines that there was an absence of good faith, the VPAA/Provost will determine whether any administrative action should be taken in compliance with existing College policies and procedures as set forth in the College Faculty Bylaws, Employee Handbook, and Faculty Handbook against the person who failed to act in good faith.

**Definitions**

**Animal subject**
- Involves vertebrates, including fish and amphibians.

**Complainant**
- Individual who made allegations of Research Misconduct

**Human Subject**
- A living individual about whom an investigator (whether professional or student) conducting research obtains:
  1. Data through intervention or interaction with the individual, or
  2. Identifiable private information.

**Fabrication**
- Making up data or results and reporting or recording 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.
- Altering any proposed or performing Research record in order to mislead others;
- Any deception (written, oral, or electronic) of a College official to circumvent IRB and/or IACUC approval process; and
• Inaccurate portrayal of when the data collection/Research process began and/or concluded

Final Rule
• 42 CFR Parts 50 and 93, Public Health Service Policies on Research Misconduct is commonly referred to as the “Final Rule”
• 42 CFR Part 93 applies to all individuals who may be involved with a project supported by, or who have submitted a grant application to, the Public Health Service.

Initial Evaluation
• Preliminary information gathering and preliminary fact-finding by the Chair, Institutional Review Board, to determine whether an allegation or apparent instance of Research Misconduct warrants an Investigation.

Investigation Committee
• Consists of a total of three to five tenured faculty members, appointed by the VPAA/Provost, who have the appropriate background to judge the issues being raised. Standing committees that deal with Research issues (e.g., Institutional Review Board for Human Subjects Research and Institutional Animal Care and Use Committee) are eligible to be members of the Investigation Committee. Committee members may be from within or outside the Manhattanville community, and must have no real or apparent conflicts of interest bearing on the question.

Investigation
Formal development of a factual record and the examination of that record leading to a decision not to make a finding of Research Misconduct or to a recommendation for a finding of Research Misconduct which would include a recommendation for other appropriate actions, including administrative actions.

Plagiarism
The appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

Research
A systematic investigation, including Research development, testing and evaluation, designed to develop or contribute to generalizable knowledge; encompasses both Research and scholarship. Activities which meet this definition constitute Research for purposes of this policy, whether or not they are conducted or supported under a program which is considered Research for other purposes. For example, some demonstration and service programs may include Research activities.

Research Misconduct
• Fabrication, Falsification, or Plagiarism in proposing, performing, or reviewing Research, or in reporting Research results. It does not include honest error or differences of opinion.
• A finding of Research Misconduct made under this Policy requires that:
  (1) There be a departure from accepted practices of the relevant Research community; and
  (2) The misconduct be committed intentionally, knowingly, or recklessly; and
  (3) The allegation be proven by a preponderance of the evidence, as such terms are used in the Final Rule.
• If the research involves human subjects or animal subjects, only the IRB and/or IACUC, respectively, can determine if the Research is exempt per established College policies.

Respondent
• Individual who allegedly has committed Research Misconduct.

Sanctions
• In addition to disciplinary actions as set forth in the College Faculty Bylaws, Faculty Handbook, and Employee Handbook, administrative actions may include, but are not limited to,
  o Withdrawal or correction of all pending or published abstracts and papers emanating from the Research where Research Misconduct was found;
  o Removal of the responsible person from the project;
  o Required special monitoring of future work;
  o Restitution of funds to the funding source grant or agency as appropriate; and
  o Other action appropriate to the Research Misconduct.
• The College also has a responsibility to notify federal agencies and other sponsors of Research, if any, of certain circumstances that may arise during a Research Misconduct proceeding.

Working Day
• Any day the College is open for business.

Responsibilities

Chair, Institutional Review Board
• The College official responsible for assessing allegations of Research Misconduct to determine if they warrant an Investigation on the basis that the allegation is sufficiently credible and specific so that potential evidence of Research Misconduct may be identified.
• Upon determining that concern is warranted, the IRB Chair will notify the Vice President for Academic Affairs/Provost.
• Upon receiving such allegation, the IRB Chair will notify the Vice President for Academic Affairs/Provost.

Investigation Committee
• Investigate, within 60 days, allegations of Research Misconduct.
• Prepare a report detailing the Investigation and submit report to the VPAA/Provost.

Member of the College Community
• Failure to disclose a suspected Research Misconduct pursuant to this Policy may subject the Member of the College Community to disciplinary action or other appropriate action.

President
• Renders final decision to determine if Research Misconduct has occurred and determines what sanctions to impose and/or what further disciplinary procedure should be undertaken.

Vice President for Academic Affairs/Provost
• Appoint the Investigation Committee to conduct an Investigation.
• Responsible for record retention in accordance with the College’s Record Retention Policy.
• Determines if Research Misconduct has occurred and determine what administrative sanctions to impose and/or what further disciplinary procedure should be undertaken.
• Determines whether the Complainant’s allegations of Research Misconduct were made in good faith, or whether a witness or Investigation Committee member acted in good faith.
• If determines that there was an absence of good faith, will determine whether any administrative action should be taken in compliance with existing College policies and procedures against the person who failed to act in good faith.

Violations of the Policy

All violations of the Policy will be handled through appropriate College policies and procedures.

Interpreting and Implementing Authority

Vice President of Academic Affairs/Provost

Statutory or Regulatory References
42 C.F.R. §§ 50, 93 -- Public Health Service Policies on Research Misconduct; Final Rule

Relevant Links

42 C.F.R. §§ 50, 93 Public Health Service Policies on Research Misconduct; Final Rule found at

Manhattanville College Student Code of Conduct found at

Policy Adoption Review and Approval

Drafting Team Meetings on April 18, 2017 and May 18, 2017
Recommended approval by President’s Cabinet on June 25, 2017
Draft sent to Faculty Assembly, Staff Assembly, SGA, and President’s Council on June 15, 2017
Draft posted to 45 day Public Comment Period website on June 15, 2017
Recommended approval by President’s Cabinet on XX
Approved by President on XX