

APPENDIX X: POLICY CONCERNING SCHOLARLY MISCONDUCT

A. Policy statement

To ensure compliance with federal law and regulations and to preserve the integrity of research undertaken at or under the auspices of Washburn University of Topeka, it is the policy of the University that scholarly misconduct by persons employed by it or students assisting such persons, is prohibited. Sanctions for violation of this policy which may be imposed include reprimand, formal warning, censure, and termination of employment.

It is the intent of this policy that Washburn University of Topeka comply in all respects with Department of Health and Human Services regulations found at 42 CFR Part 50.

B. Definitions

1. "Inquiry" means information gathering and initial fact finding by the Institutional Review Board to determine whether an allegation or apparent instance of misconduct warrants investigation.
2. "Investigation" means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.
3. "Misconduct" or "Misconduct in Scholarship" means fabrication, falsification, plagiarism or other practices which seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting or reporting research. It does not include honest error or honest differences in interpretations or judgments of information.

C. Procedure

1. Allegations or Concerns about Misconduct

Any person who suspects or has knowledge of possible misconduct in research being performed at or under the auspices of Washburn University of Topeka may express his/her concern to, or file an allegation with, the University's Vice President for Academic Affairs (VPAA).

2. Inquiry

a. Commencement of Inquiry

In the event any allegation or other evidence of possible evidence of misconduct comes in to the possession of the VPAA, an inquiry shall commence. The inquiry shall be completed within sixty (60) days of its commencement.

b. Conducting the Inquiry

In conducting the Inquiry, the VPAA or designee(s) shall:

- i. protect, to the extent reasonably possible, the privacy of any person who reports any instance of possible misconduct;
- ii. maintain confidentiality, to the maximum extent possible, of materials and information which may come into his/her possession;
- iii. provide the person(s) whose research is in question an opportunity to comment on the allegation or report on possible misconduct;
- iv. provide the person(s) whose research is in question the report of his/her findings from the Inquiry.

c. Inquiry Report

The VPAA or designee(s) shall prepare a written report which summarizes the relevant interview, states the evidence obtained and states the conclusion of the Inquiry. In the event the conclusion of the Inquiry is that no probable cause exists which warrants further investigation, the matter shall then terminate.

3. Investigation

a. Determination to Investigate - Notice

i. Research Not Involving the Department of Health and Human Services
In the event it shall have been determined that probable cause exists that misconduct in research has occurred but such research does not involve grant funds or applications for grant funds from the Department of Health and Human Services, the Vice President for Academic Affairs shall make a record of the finding of probable cause. The record shall, at a minimum, identify the person(s) whose research is in question; the general nature of the allegations or concerns and the probable scope of the investigation and estimated date for concluding the investigation.

ii. Research Involving the Department of Health and Human Services
In the event it shall have been determined that probable cause exists that misconduct in research has occurred in research funded in whole or in part from a grant or cooperative agreement under the Public Health Services Act, the VPAA shall promptly notify the Director of the Office of Scientific Integrity, Department of Health and Human Services that an investigation of scientific misconduct is warranted. The notice shall include the following information at a minimum:

- (a) Name(s) of the person(s) against whom the allegations of misconduct has/have been made;
- (b) general nature of the allegation(s)
- (c) the Public Health Service application or grant number(s).

b. Time Frame

An investigation should ordinarily be completed within 120 days of its initiation. The time frame includes conducting the investigation, preparing the report of findings, making that report available for comment by the subject(s) of the investigation and submitting the report to the appropriate office. In the event of research involving federal funding, the report is required to be sent to the office of Scientific Integrity. If known, the person(s) who raised the allegation(s) should be provided with those portions of the report addressing the allegation made, the opinions of the person(s) and the role(s) of the person(s) in the matter.

c. Scope

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. Interviews will normally be conducted of all individuals involved in either making the allegations or against whom the allegations are made, as well as other individuals who have or might have knowledge or information concerning key aspects of the suspected misconduct. Summaries of interviews shall be prepared, provided to the interviewed party for comment or revision and included as a part of the investigatory file.

d. Process

The investigation shall be conducted in such a manner as to ascertain the facts surrounding the alleged misconduct and in compliance with the provisions of the federal regulation promulgated by the Department of Health and Human Services pertaining to scientific misconduct found

at 42 CFR Part 50, including confidentiality, preparing and maintaining a record of the investigation, protecting the funding and funding source, the acquisition of evaluative expertise if required, and submission of a final report to the Office of Scientific Integrity.

e. Final Report to the Office of Scientific Integrity

The final report submitted to the Office of Scientific Integrity 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 the 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 any sanctions taken by the University.

4. Records

The VPAA shall maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was not warranted, if necessary. Such records shall be maintained in a secure manner for a period of at least three years after the termination of the inquiry. The records and documentation of evidence gathered during the course of any investigation shall be maintained for a period of not less than five (5) years from the later of the date of termination of the investigation or the date of imposition of sanctions.

5. Threat to Public Health, Safety or Funds

The University, during any inquiry or investigation involving federal funds, shall notify the Office of Scientific Integrity at any time it ascertains any of the following conditions exists or may exist:

- a. There is an immediate health hazard involved;
- b. There is an immediate need to protect federal funds or equipment;
- c. There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is(are) the subject of the allegations as well as co-investigators and associated, if any;
- d. It is probable the alleged incident is going to be reported publicly; or,
- e. There is a reasonable indication of possible criminal violations.

In the latter event, the VPAA shall notify the Office of Scientific Integrity within 24 hours of obtaining that information.