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# RESPONSIBLE CONDUCT IN RESEARCH, SCHOLARLY, AND CREATIVE ACTIVITY

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**Category:** Research

**Date Established:** 02/28/1991

**Responsible Office:** Office of Research and Sponsored Programs (ORSP)

**Date Last Revised:** 02/18/2015

**Responsible Administrator:** Associate Provost for Research Development and Administration

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## Summary

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It is the policy of the State University of New York College at Oswego to maintain high ethical standards in research, scholarly, and creative activities, prevent misconduct where possible, and promptly and fairly evaluate and resolve any instance of alleged or apparent misconduct.

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## Policy

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### POLICY STATEMENT

The State University of New York College at Oswego (SUNY Oswego), as an institution of higher learning, is dedicated to truth in pursuit of knowledge through research, creative, and scholarly activities, the transmission of such knowledge through education and instruction, and the application of discoveries to benefit the public good. SUNY Oswego has adopted the following principles of ethical conduct to guide those engaged in research, scholarly, and creative activity:

- Honesty and integrity in research/scholarly/creative activity hold the highest priority.
- Research data, language, scholarly work, creative work, or analysis taken from other sources must include proper and clear attribution of source.
- Fabrication, falsification, and plagiarism are each violations of research, scholarly, and creative integrity.
- All creators of a particular research, scholarly, or creative work take responsibility for the contents in precisely the same measure as they stand to take credit.
- Research data are obtained by processes that comply with state and federal requirements affecting specific rules of research conduct.
- After publication of research results, data are shared with others for scholarly purposes, provided these individuals do not have an explicit professional or personal conflict of interest with the author(s).

A dedication to these shared values is crucial for the functioning of SUNY Oswego. In contrast, when any member of the SUNY Oswego community disregards the accepted norms of research, scholarly, or creative activity, the entire community is diminished. Federal regulations define misconduct as acts that are committed intentionally, knowingly, or recklessly. However, gross, inadvertent, or careless acts may also endanger public trust and the pursuit of scholarly truth and can be considered a form of misconduct. SUNY Oswego has an obligation to act and assumes responsibility for discouraging, detecting, and dealing with misconduct involving:

- research

- research training
- applications for support of research or research training
- creative or scholarly activities

## APPLICABILITY

Developed according to federal regulations, the process outlined within applies to all suspected and alleged instances of misconduct by all individuals engaged in research, scholarly, or creative activities including, among others, faculty, staff, students, fellows, guests, and collaborators at SUNY Oswego.

## DEFINITIONS

**Misconduct.** "Misconduct" or "Misconduct in Research and Scholarly Activity" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific or academic community for proposing, conducting, or reporting research, scholarly, and creative activity. It does not include honest error or honest differences in interpretations or judgments of data and creative/scholarly work.

**Inquiry.** Information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

**Investigation.** A formal examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place. If misconduct is confirmed, the investigation should determine the seriousness of the offense and the extent of any adverse effects resulting from the misconduct.

## PERSONNEL

### **The Officer of Ethical Research and Scholarly Activity Conduct**

The Provost, after consultation with the Scholarly and Creative Activity Committee, will appoint for a term of three years two faculty members with a research, scholarly, or creative activity background. One will serve as the Officer of Ethical Research and Scholarly Activity Conduct and the other as an alternate.

The responsibilities of the Officer for Ethical Research and Scholarly Activity Conduct are to:

- Work with complainant in the development of a specific, formal written complaint.
- Maintain records of all complaints and institutional responses; and
- Forward complaints to the Investigatory Officer.

### Investigatory Officer

Inquiry and investigation of complaints will be the responsibility of the Associate Provost for Research Development and Administration, who shall serve as the Investigatory Officer. The College Provost or designee(s) shall serve as the alternate Investigatory Officer.

**Conflict of Interest.** Should there exist a conflict of interest with either the Officer for Ethical Research and Scholarly Activity Conduct or the Investigatory Officer, the case will be referred to the person(s) named as alternate.

## COUNSEL AND REPRESENTATION

The subject of the inquiry has the right to consultation with legal counsel. However, the subject has the right to representation by counsel only after formal disciplinary charges have been filed in accordance with Section 19.8 of the Agreement between the State of New York and the United University Professions.

## DESCRIPTION OF PROCESS (Summarized in *Appendix A*)

### A. Complaint

The Officer of Ethical Research and Scholarly Activity Conduct will work with the individual(s) who make, in good faith, a specific misconduct complaint against a State University of New York at Oswego faculty or staff member involved in research, scholarly, or creative activities. Only a signed formal complaint describing the allegation in sufficient detail will initiate an inquiry. The Officer of Ethical Research and Scholarly Activity Conduct is responsible for maintaining records of the disposition of all complaints.

*In cases where a specific misconduct complaint is brought against a State University of New York at Oswego student involved in research, scholarly, or creative activities, the Judicial Affairs Office is responsible for maintaining records of the disposition of all complaints and for conducting the investigation in consultation with the Investigatory Officer. **The specific process by which such complaints are addressed is not described in this document, but said policy can be obtained by contacting the Judicial Affairs Office.***

### B. Inquiry

1. After receiving a signed written complaint, the Investigatory Officer will promptly:
  - a. initiate an inquiry which affords the subject of the inquiry confidential treatment to the maximum extent possible;
  - b. notify the subject of the inquiry that a complaint of research, scholarly, or creative activity misconduct has been received, the nature of the complaint and the procedures to be followed;

- c. inform the Provost that an allegation has been made and an inquiry is in progress; and
    - d. In the case of sponsored funds, ensure all project expenditures are necessary and appropriate to the goals of the project.
2. The inquiry shall be conducted with the purpose of separating unfounded allegation(s) from those of a substantive nature.
3. The Investigatory Officer shall meet separately with the subject and the complainant to:
  - a. review all necessary and reasonable documentation to determine if an investigation should be recommended; and
  - b. provide the opportunity for rebuttal by the subject of the inquiry to any and all materials, statements or information obtained during this phase.
4. The Investigatory Officer will notify the Research Foundation when sponsored research and scholarly activity is involved. After administrative and legal consultation, the Investigatory Officer determines whether and when to inform outside granting agencies for those sponsored programs administered through the Research Foundation in accordance with applicable regulatory requirements and others, as appropriate, that an inquiry is being conducted.
5. In conducting inquiries and investigations, the Investigatory Officer is free to consult with any necessary sources for pertinent data.
6. Should there be a reasonable indication of possible criminal violations, federal granting agency(ies) will be notified within twenty-four (24) hours of the determination.
7. The Investigatory Officer shall take no more than sixty (60) business days from receipt of the signed complaint to conduct a preliminary inquiry making every effort to safeguard individual reputations and the integrity of the research and scholarly activity. If circumstances clearly warrant an extension of the sixty (60)-business day limit, a record of the inquiry shall include documentation of the reasons for exceeding the sixty (60) business days.
8. Refusal on the part of the subject of the inquiry to allow the Investigatory Officer to review necessary documents shall be grounds for a recommendation for an investigation.
9. At the completion of the inquiry:
  - a. A written report including a:
    - i. statement of the allegation;
    - ii. summary of inquiry procedures; and

- iii. documentation of the findings and basis for recommendation that either:
    - (1) Information collected from all sources during the inquiry phase does not substantiate the complaint and a **FORMAL INVESTIGATION IS NOT WARRANTED.**
    - (2) The inquiry phase establishes information which tends to support the accusation or which raises questions as to possible misconduct and a **FORMAL INVESTIGATION SHOULD BE CONDUCTED.**
  - b. The report shall document the reasons for the decision and the findings from the inquiry will be filed with the Officer for Ethical Research and Scholarly Activity Conduct. A copy of this report will also be sent to the subject of the inquiry and complainant. If the individual(s) against whom the allegations were made subsequently comments on the report, these comments will be made part of the inquiry record.
10. The final decision to conduct or not to conduct an investigation will rest with the Provost.
- a. Upon the decision to conduct an investigation, the subject of the investigation, the complainant, and the College President will be notified that a full investigation will be initiated. Legal counsel and funding sponsor will be notified as appropriate.
  - b. Upon the decision NOT to conduct an investigation, every effort will be made to clear the individual of unsubstantiated allegations, restore any damaged reputations, and protect those who, in good faith, made the allegations.
11. The Provost will maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was/was not warranted. Such records will be maintained in a secure manner for a period of at least three years after the termination of the inquiry and made available to sponsoring agencies upon request.

### C. Investigation

1. When the findings from the inquiry provide a sufficient basis for conducting an investigation, the Investigatory Officer will have thirty (30) business days to initiate the investigative process.
2. The Investigatory Officer will:
  - a. inform the individual in question of the accusations and that a formal investigation will be conducted and invite the individual to make a written response to the accusations;
  - b. consult, as the need arises, on an *ad hoc* basis with faculty members of the Investigatory Officer's choice during the formal investigation;

- c. inform collaborator(s) in the research, scholarly, or creative activity project under investigation and give them the opportunity to comment;
- d. proceed to immediately collect and secure all materials necessary for the investigation;
- e. preserve confidentiality, to the extent possible;
- f. prepare written summaries of all interviews; and
- g. advise the Research Foundation and the Office of University Counsel of the investigation and, after consultation with the Research Foundation advise, where appropriate, other parties potentially impacted by the investigation (e.g., journal, editor, conference coordinator, etc.).
- h. if a sponsored project is involved:
  - i. notify the granting agency upon or before the investigation is initiated. This written notification shall include the names of the person(s) against whom the allegation is made, the general nature of the allegation and the specific project involved. The Institution shall keep the funding agency appraised of any developments which disclose facts that may affect current or potential funding for the individual(s) under investigation or that the funding agency needs to know to ensure appropriate use of funds. When Public Health Service (PHS) funding is involved, a copy of the report will be submitted to the Office of Scientific Integrity.
  - ii. ensure all project expenditures are necessary and appropriate to the goals of the project.
    - When an allegation may involve immediate danger to humans and/or animals, the Investigatory Officer shall alert the committee chair(s) who will take appropriate actions to protect those at risk.

3. The subject of the investigation has the right to:

- a. a prompt and thorough investigation;
- b. the opportunity to comment on the allegations;
- c. submit relevant documentation; and
- d. respond to any or all information gathered during the investigation.

4. During the course of the investigation, the Investigatory Officer shall:

- a. receive and review relevant documents, (including, but not limited to) relevant research and scholarly activity data and proposals, publications, creative works, correspondence, and memoranda of telephone calls;
- b. interview involved faculty members and employees. A complete summary of the interview will be prepared and provided to the interviewee for comment and/or revision;
- c. seek additional information as deemed necessary;
- d. consult, when appropriate, with expert(s) from outside the institution;
- e. record and document all relevant information obtained in the course of the investigation;

- f. analyze and summarize results of the investigation;
- g. take precaution against real or apparent conflicts of interest on the part of those involved in the inquiry or investigation; and
- h. take no more than one hundred twenty (120) business days to:
  - i. submit to the President (via the Provost) a written report including: statement of the facts; an indication of the evidence or lack of evidence of misconduct; an evaluation of the seriousness of any misconduct; an evaluation of the seriousness of any misconduct found; recommendations for further action;
  - ii. send a copy of the report to the subject of the inquiry (certified mail, return receipt requested) who has ten (10) business days from receipt of the report to submit a response to the President;
  - iii. submit the report to the sponsoring agency. If the project involved Public Health Service (PHS) funding, all supporting documentation will be made available to the Director, Office of Research Integrity (ORI); and
  - iv. maintain all supporting documentation substantiating the investigation's findings, the response by the accused, and the President's decision.

#### **D. Investigative Outcome**

1. Based on the written report, the President shall make the final decision as to whether misconduct has occurred.
2. Should it be determined that misconduct has taken place, the President, in consultation with the Provost, shall decide the appropriate sanctions against the subject. The imposition of sanctions shall follow relevant university policies and procedures regarding discipline including Article 19 of the agreement between the State of New York and the United University Professions.
3. If the President decides the allegation has not been substantiated by the investigation, the College will undertake diligent efforts, as appropriate, to restore the reputation of the person(s) alleged to have engaged in misconduct and to protect the reputation and position of those who, in good faith, made the allegation. If it is determined that an allegation is not in keeping with the Bill of Rights as defined in the Policies of the College at Oswego, Section IV, Pages 7-10, 1994 Professional Staff Handbook, the complainant may be subject to the same sanctions in Article 19 of the UUP/SUNY Agreement.
4. Within sixty (60) business days of the close of the investigation, the Provost, in consultation with appropriate Research Foundation and SUNY officials, will communicate to all persons previously notified the findings of the investigation and all actions pursuant to those findings.

## **E. Appeal**

The Provost is the final adjudicator of all allegations of research misconduct in scholarly activity subject to appeal to the President only on procedural grounds. Within fourteen (14) business days after receiving written notification of the Provost's determination, the respondent may appeal to the President on the sole question of whether the procedures prescribed in this policy have been followed. The appeal must be filed in writing and must specify the nature of the procedural error. The President will issue a decision within thirty (30) business days, either affirming or vacating the Provost's determination in whole or in part, based on whether the investigative procedures were fully and fairly followed.

## **REPORTING REQUIREMENTS**

- A.** An institution's decision to initiate an investigation must be reported in writing to the appropriate officials of the sponsoring and funding State or Federal agencies on or before the date the investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the sponsoring agency's application or grant number involved.
- B.** An investigation should ordinarily be completed within one hundred twenty (120) business days of its initiation. This includes conducting the investigation, preparing the report of findings, making that report available for comment by the subject of the investigation and submitting the report to the sponsoring agency. The person(s) who raised the allegation should be provided with those portions of the report that address their role and opinions in the investigation.
- C.** Institutions are expected to carry their investigations through to completion and to pursue diligently all significant issues. If an institution plans to terminate an inquiry or investigation for any reason without completing all relevant requirements a report of such planned termination, including a description of the reasons for such termination, shall be made to the appropriate funding and sponsoring agencies and all others previously notified.
- D.** The final report submitted to the sponsoring agency must describe the policies and procedures under which the investigation was conducted, how and from whom information relevant to the investigation was obtained, 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 institution.
- E.** If the institution determines that it will not be able to complete the investigation in one hundred twenty (120) business days, it must submit to the sponsoring agency a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of



the report and other necessary steps. If the request is granted, the institution must file periodic progress reports as requested by the sponsoring agency.

- F. The institution is responsible for notifying the sponsoring agency if it ascertains at any stage of the inquiry or investigation, that any of the following conditions exist:
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 any of the project collaborators and associates, if any;
  4. it is probable that the alleged incident is going to be reported publicly; and
  5. there is a reasonable indication of possible criminal violation. In that instance, the institution must inform the sponsoring agency within twenty-four (24) hours of obtaining that information.

**Acknowledgment:** In preparing these guidelines, some procedures from the guidelines developed by SUNY Health Science Center and University at Buffalo have been incorporated with permission (1991, 2010).

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### Contact Information

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Office of Research & Sponsored Programs (ORSP)  
State University of New York at Oswego  
223 Hewitt Union  
7060 State Route 104  
Oswego, NY 13126-3514

Phone: (315) 312-2888  
Fax: (315) 312-3177  
Email: [orsp@oswego.edu](mailto:orsp@oswego.edu)

