

University of Massachusetts Dartmouth

POLICY ON MISCONDUCT IN RESEARCH

I. INTRODUCTION

The reputation of the University of Massachusetts Dartmouth rests, in part, on its faculty's, staff's and students' dedication to objective inquiry and their uncompromising pursuit of truth. Integrity in the conduct of research is essential, and must be scrupulously and vigorously maintained. Any breach of this integrity, no matter how small, tarnishes the University's reputation and the credibility of all its faculty, staff and students, and hinders the pursuit of new knowledge. The University of Massachusetts Dartmouth hereby reaffirms its commitment to research integrity.

Though there has been no known breach of integrity in research by any member of the faculty or staff of the University, it is necessary to comply with federal regulations [42 CFR Part 50, Subpart A, (1989)] and adopt policies and procedures which ensure a fair and thorough investigation of any assertion of research misconduct by a member of the UMD faculty or staff. Pursuant to these federal regulations the University hereby adopts the following policies and procedures which will apply to all faculty research.

"Misconduct" or "Misconduct in Science", as used herein, is defined as the fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

II. ALLEGATIONS OF MISCONDUCT

A. Initial charges of misconduct shall be brought to the Dean of the College to which the accused party belongs. Should there be allegations involving staff in more than one college, then the Deans of the colleges involved will coordinate their actions. Should the Dean(s) believe they have, or may be perceived as having, a conflict of interest in the outcome of the inquiry, the Vice President for Academic Affairs shall assign the initial inquiry to another academic officer. Should the accused not be a member of any college, then the initial charge shall be brought to the Vice Chancellor of the Division to which the accused belongs.

B. Allegations shall be submitted in writing and signed, and shall contain sufficient information to define clearly the alleged misconduct.

C. The confidentiality of those who in good faith report apparent misconduct will be protected to the greatest extent possible.

III. INQUIRY

A. After consultation with the Associate Vice Chancellor for Research, the Dean(s) shall conduct a preliminary inquiry (which shall include formal consultation with the accused) into the circumstances of the allegations and determine whether there are sufficient grounds to indicate that these have validity. The Dean(s) shall attempt to complete this initial inquiry within 30 days and shall make every effort to protect the confidentiality of the accused and the accuser.

B. If the Dean(s) find sufficient evidence to suggest that the allegations may be true, the Dean(s) will inform in writing the accused, accuser, and President that this allegation merits an investigation.

IV. INVESTIGATION

A. The Chancellor, upon receiving written notification from the Dean(s) of an allegation of misconduct for which an inquiry has determined to have merit, shall appoint a committee to investigate the allegations.

1. This committee shall consist of four (4) tenured faculty, at least two (2) of whom shall be nominated by the President of the Faculty Federation.

2. The faculty appointed should have experience in research, though sufficiently removed from the accused to avoid the appearance of any conflict of interest in the outcome of the investigation.

B. At the time of appointment of the committee, the President shall:

1. Inform in writing the individual(s) about whom allegations have been made and;

2. Provide the accused with a statement of the allegations. This statement shall include information on the nature of the allegations, name(s) of the accuser(s), and the focus of the investigation.

3. Advise those being investigated of the opportunity to defend their conduct and provide comments and other relevant information to the committee.

4. Notify those being investigated of their right to be represented by an attorney in preparing and/or giving their response to this and all subsequent phases of the investigation.

5. Notify the agency sponsoring the research, if such action is required by the agency.

C. The investigative committee shall conduct a formal examination and evaluation of all relevant facts to determine if the allegations of misconduct are valid. The investigative committee shall have available the University's legal counsel for guidance on procedures and other matters pertaining to the investigation. The committee may call witnesses, examine the research data (both published and unpublished), and seek expert counsel both inside and outside the University to aid in the scientific audit.

1. Every effort shall be taken to conclude the investigation within one hundred twenty (120) days.
2. All parties shall strive to maintain confidentiality of information provided the committee.
3. The committee may recommend interim administrative actions appropriate to the allegations, prior to the completion of the investigation, if such actions are necessary to protect the data being investigated or to prevent inappropriate use of funds.
4. Upon completion of the investigation, the committee shall submit its findings and recommendations in writing to the President and the individual(s) accused of misconduct.
5. The determination that misconduct has occurred requires an affirmative vote by at least a majority [three (3)] of the committee.

V. FINDINGS

A. If the investigative committee fails to confirm the alleged misconduct, all participants in the investigation, the Associate Vice President for Research and Dean(s) shall be so informed by the President. Every effort shall be taken to minimize any adverse circumstances resulting from the unsubstantiated allegation.

B. If the investigative committee finds that unfounded charges may have been brought with malicious or dishonest intent, the committee may recommend those bringing such allegations be subject to appropriate administrative action.

C. If the committee finds the allegations are substantiated and that misconduct has occurred it shall recommend:

1. Disciplinary procedures, consistent with the prevailing agreement between the Massachusetts Board of Regents of Higher Education and the American Federation of Teachers, Local 1895, AFL-CIO, Faculty Federation at the University of Massachusetts Dartmouth, will be taken against those faculty and other professionals covered under this agreement who are found to be directly involved in the misconduct. If other bargaining unit personnel, not covered under the above agreement, are involved, then the terms of the prevailing agreement between the Massachusetts Board of Regents of Higher Education and the bargaining unit to which the

employee belongs will prevail. Any employee, not a member of a bargaining unit, found to be directly involved in misconduct, shall be disciplined in a manner to be determined by the President of the University, or the Board of Trustees.

2. The agency sponsoring the research shall be informed of the findings of the investigation.

3. Publishers and editors of journals shall be informed if manuscripts emanating from research identified as being subject to misconduct have been submitted or published.

Adopted by the Faculty Senate, March 6, 1990 as amended

Adopted by the University Research Committee, February 16, 1990

Last Updated On: 11/7/05