

MEDICAL COLLEGE OF OHIO

Subject: ACADEMIC AND SCIENTIFIC MISCONDUCT

Policy No.: 02-003

The Medical College Ohio has a standing Misconduct Committee to review, investigate, and report on allegations of Academic and Scientific Misconduct, which include, but are not limited to, the definition of Misconduct provided below.

APPLICABILITY

The committee will take immediate and appropriate action as soon as misconduct on the part of employees, students or other persons within the organization's control is suspected or alleged. Individuals governed by this policy include faculty, postdoctoral fellows, residents, students, nurses, technicians, and other employees.

DEFINITION OF MISCONDUCT

"Misconduct" or "Misconduct in Science" or "Scientific Misconduct" or "Academic Misconduct" as used herein is defined as:

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. As used in this policy, the term "Academic Misconduct" is not limited to research activities.

PREVENTION OF MISCONDUCT

The Medical College of Ohio is committed to creating and maintaining an environment in which there is a pervasive attitude of high ethical standards. In order to maintain this climate and to eliminate, or at a minimum reduce, dishonest behavior, the Medical College of Ohio will:

- Make known to all in the academic community the institution's policies on standards of conduct and sanctions for failure to meet these policies which shall be incorporated into written policy, student and faculty handbooks, and contractual agreements;

- Define roles of officials and faculty having special responsibilities in the prevention of research and academic fraud and misconduct (e.g., the principal investigator/program director and/or director of a laboratory must have clearly defined responsibilities for reviewing standards with personnel, students and junior investigators and in ensuring proper practices for well-designed experimental protocols and for recording, retaining and sorting scholarly research data);

- Require that all authors named on a collaborative study accept full responsibility for the work published or, at least, for the portion of the research for which they were responsible;

- Maintain professional relationships among investigators to assure open discussion of data and research results and freedom of expression leading to enhancement of the climate of integrity and objectivity and avoidance of secrecy and undue competition; and

- Encourage the incorporation of formal course work, for example, seminars on bioethics, into the curriculum, making this subject an integral part of the research and education experience.

MCO Policy 03-012 "Responsible Conduct Of Research And Other Scholarly Activities" provides additional guidance on prevention of misconduct.

PROCESS FOR HANDLING ALLEGATIONS OF ACADEMIC AND SCIENTIFIC MISCONDUCT

A. INITIATION OF AN INQUIRY

DEFINITION AND PURPOSE

INQUIRY as used herein is defined as information gathering and fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. The purpose is not a formal hearing; it is designed to separate allegations deserving of further investigation from frivolous, unjustified or clearly mistaken allegations. (PHS, 1989 and AAMC, 1989.)

PROCESS

It is the responsibility of Department Heads¹ of the Medical College of Ohio to monitor the educational, research and service efforts of faculty and other employees reporting to them.

A complainant's only action upon discovery of what they believe to be misconduct should be to bring the allegation(s) to the attention of the department head of the respondent. The department head will consider the nature and scope of the allegation(s), the parties involved, and make a determination of whether the allegation(s) may be based on a misunderstanding or whether it is a valid allegation(s). Should allegations of misconduct be made against the research or academic activities of any staff, student, or faculty member within the Medical College of Ohio, the principal investigator/program director in charge of this research or other academic program must be notified immediately.

The department head will, in writing, notify the dean of the school of the primary appointment (or in the case of a student, the school of registration) of the respondent of any allegations and state an opinion regarding their validity. Unless the allegation is clearly without merit, the dean will report the matter to the Provost who will initiate misconduct procedures. For allegations of misconduct in research, the Associate Vice President for Research shall serve as the Provost's designee and the Research Integrity Officer for the Medical College of Ohio. The Provost, or designee will:

- Notify the respondent within a reasonable time of the charges, the process that will be followed, the respondent's obligation to cooperate by providing material necessary to conduct the inquiry, and that uncooperative behavior by the respondent may result in an immediate investigation and other institutional sanctions;

- Notify the Chair of the standing Committee on Misconduct, who will convene the committee to review the matter. The Provost may appoint ad hoc committee members from faculty and administration with specific expertise in the area of research involved, if necessary. These ad hoc appointments will exclude individuals responsible for the research in question, and others who may have a real or apparent conflict-of-interest in the matter, including, but not limited to, members of the respondent's department. In addition, any members of the standing Misconduct Committee who may have a real or apparent conflict-of-interest in the matter will be excused;

- Ensure that during the inquiry, confidentiality is maintained in order to protect the rights of all parties involved;

- Ensure that during the inquiry, the individual against whom allegations have been made is presumed to be innocent and that all his/her rights are protected;

¹ Department Head is used as a generic term in this policy to mean the immediate administrator to whom the respondent reports, which is normally the department chair, a dean or a director, or the Provost.

Disseminate the facts of the case to the appropriate individuals and ensure the safety and security of all documents used in this process;

Provide the individual against whom allegations have been made the opportunity to address the charges and evidence;

Take interim administrative actions, including sequestration of data and other materials pertinent to the Inquiry/Investigation, when justified by the need to protect federal and other sponsor's funds and ensure that the purposes of the Federal and other sponsor's financial assistance are carried out to protect the health and safety of research subjects and patients, or the interests of students and colleagues. Interim administrative action may range from slight restrictions to suspension of the activities of the respondent; and

Notify the Office of Research Integrity (ORI), if it is ascertained at any stage of the inquiry, that 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. If there is a reasonable indication of possible criminal violation, MCO will inform ORI within 24 hours of obtaining that information.

Due to the sensitive nature of academic and scientific misconduct, the inquiry phase will be completed within sixty (60) calendar days or less after the initial notification to the respondent. If the committee anticipates that the established deadline cannot be met, a report citing the reasons for the delay and progress to date, will be submitted for the record, to the respondent and to the Provost.

FINDINGS

The completion of an inquiry is marked by whether or not a formal investigation is warranted. The committee will supply written documentation to summarize the process, report what evidence was reviewed, summarize relevant interviews, and state the conclusion of the inquiry. This report will be given to the Provost and a copy given to the respondent(s), who will have the opportunity to comment on that report and have those comments made part of the record. The Provost will:

Notify the respondent whether or not there will be further investigation;

Notify the complainant, if there is one, likewise; and

Notify the appropriate department head, Dean, and the President whether or not there will be an investigation.

If an allegation is found to be unsupported but has been submitted in good faith, no further formal action, other than informing all involved parties, should be taken. This detailed documentation of the inquiry will be retained for a period of at least three years to permit a later assessment of the reasons for which an investigation was not warranted. 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 Medical College of Ohio will take reasonable steps to minimize the damage to reputations that may result from inaccurate reports. Allegations that have not been brought in good faith may lead to disciplinary action against the individual(s) bringing the allegations.

The Medical College of Ohio seeks to protect the complainant against retaliation, including protecting anonymity wherever possible. Individuals engaged in acts of retaliation will be disciplined in accordance with appropriate institutional policies. Also, the Medical College of Ohio will make formal efforts to remedy any harmful effects if allegations are not substantiated.

B. INITIATION OF AN INVESTIGATION:

In cases where allegations of academic or scientific misconduct are found to require a formal investigation, or where an inquiry of misconduct is terminated before its conclusion, the Provost, or designee, will notify the Director of the Office of Research Integrity (ORI) or other federal agency (e.g. NSF), as required by Federal regulation (42 CFR 50 A). Similarly, the agency or agencies sponsoring the research will be notified at this point.

DEFINITION AND PURPOSE OF INVESTIGATION

"Investigation" as used herein is defined as the formal examination and evaluation of all relevant facts to determine if misconduct has occurred. The purpose is to explore further the allegations and determine if misconduct has been committed. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations (PHS, 1989 and AAMC, 1989). The respondent will be informed by the Provost, or designee, when significant new directions of an investigation are undertaken. The investigation will focus on accusations of misconduct and examine the factual material of each case

EVIDENTIARY STANDARDS:

1. **Burden of Proof**
The burden of proof for making a finding of academic or scientific misconduct is on the institution.
2. **Standard of Proof**
Any institutional finding of academic or scientific misconduct will be established by a preponderance of the evidence. This means that the evidence shows that it is more likely than not that the respondent committed academic or scientific misconduct

PROCESS

Upon receipt of an inquiry finding that an investigation is warranted, the Provost, or designee, will:

Initiate an investigation within thirty (30) calendar days;

Appoint and convene an ad hoc Committee of Investigation from faculty, administration, and outside reviewers, if indicated. This committee will consist of members with the necessary and appropriate expertise to evaluate scientific issues of the matter at hand and may include some or all of the members of the standing Misconduct Committee. Membership of this committee will exclude those responsible for the research or academic activity in question and all others with a real or apparent conflict-of-interest;

Notify the complainant and respondent;

Notify all involved parties that they are obligated to cooperate with the proceedings in providing information;

Provide all necessary information to the respondent in a timely manner to facilitate the preparation of a response;

Give the respondent the opportunity to address the charges and evidence in detail to ensure this individual's due process rights will be available to him/her. Also, the individual has the right to an advisor and/or legal counsel of his/her own choosing;

Take interim administrative actions, including, but not limited to, sequestration of data and other materials pertinent to the Investigation, when justified by the need to protect federal funds and insure that the purposes of the Federal financial assistance are carried out to protect the health and safety of research subjects and patients, or the interests of students and colleagues. Administrative interim action could range from slight

restrictions to suspension of the activities of the respondent; and

Notify the Office of Research Integrity (ORI), if it is ascertained at any stage of the investigation, that 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. If there is a reasonable indication of possible criminal violation, MCO will inform ORI within 24 hours of obtaining that information.

As previously noted, federal regulations require the agency sponsoring a research project in which misconduct is suspected to be notified as soon as the decision has been made to undertake a formal investigation. The Provost or designee will extend notification to all sponsors of the respondent's research. The Medical College of Ohio will seek assurance of the confidential treatment of this information from all sponsors. Significant developments during the investigation, as well as the final findings of the committee, will be reported to all sponsors. When the investigation is concluded, all entities initially notified of the investigation will be informed of the final outcome. The final report will 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 MCO.

The Medical College of Ohio requires that an investigation be conducted as expeditiously as fairness and thoroughness permit. An investigation will be completed in 120 calendar days or less, to reflect the seriousness with which the Medical College of Ohio views accusations of misconduct and to be in compliance with federal regulations. However, if an investigation of academic or scientific misconduct is to be extended beyond 120 calendar days due to such factors of volume and the nature of the evidence to be reviewed and the degree of cooperation being offered by the subject of the investigation, requests for the extensions(s) of the investigation period must be approved by ORI or NSF (if applicable) and by the Provost.

FINDINGS

The findings of the investigation committee must be submitted to the Provost. The respondent will receive the full report of the investigation. When there is more than one respondent, each shall receive all parts that are pertinent to his or her role. All federal agencies, sponsors or other entities initially informed of the investigation also must be promptly notified of the findings. Specifically, ORI or NSF (if applicable) must be notified of the findings of the investigation or if the investigation is terminated prematurely. MCO will prepare and maintain the documentation to substantiate the findings of the investigation. This documentation is to be made available to the Director of ORI, who will decide whether that Office will either proceed with its own investigation or will act on MCO's findings. If there is a reasonable indication of possible criminal violations, the Provost will notify required federal agencies within twenty-four (24) hours.

Investigations into allegations of misconduct may result in various outcomes, including:

A finding that misconduct did, indeed, occur;

A finding that no culpable conduct was committed, but serious scientific or professional errors were discovered;

A finding that no fraud, misconduct, or serious scientific error was committed.

Thus, an investigation of misconduct may disclose evidence that requires further action even in those cases in which no fraud or misconduct is found.

If an investigation has been launched on the basis of a complaint, and no fraud or misconduct is found, no

disciplinary measure should be taken against the complainant and every effort will be made to prevent retaliatory action against the complainant if the allegations, however incorrect, are found to have been made in good faith. If the allegations are found to have been maliciously motivated, disciplinary action may be taken against those responsible. Furthermore, the Medical College of Ohio will undertake diligent efforts, as appropriate, to remedy any harmful effects if the allegations are not substantiated.

APPEAL / FINAL REVIEW

The Medical College of Ohio will provide respondent(s) with an appeals process at this point through written appeal of the investigation committee's decision. Appeals must be filed with the Provost within thirty (30) days of receipt of committee findings by the respondent(s) and will be restricted to the body of evidence already presented, and the grounds for appeal will be limited to failure to follow appropriate procedures in investigation or arbitrary and capricious decision making. New evidence may warrant a new investigation. The Provost will hear the appeal. After an appeal is concluded, the Medical College of Ohio will provide for a final review by the President, or designee. The Medical College of Ohio notes that the decision of the Presidential review is final.

DISPOSITION

The Medical College of Ohio is responsible for determining the nature and severity of disciplinary action. The actions available to the Medical College of Ohio will be taken in a fashion consistent and commensurate with the nature of the proven acts. Possible actions are, but not limited to,:

- Removal from a particular project
- Letter of reprimand
- Special monitoring of future work
- Probation
- Suspension
- Salary reduction
- Rank reduction
- Termination of employment

Consideration will be given to formal notification of other concerned parties not previously notified of the case. These parties may include:

- Sponsoring agencies, funding sources
- Co-authors, co-investigators, collaborators
- Editors of journals in which fraudulent research was published
- State professional licensing boards
- Editors of journals or other publications, other institutions, sponsoring agencies and funding sources with which the individual has been affiliated
- Professional societies
- Where appropriate, criminal authorities

The possibility exists that, during the course of the investigation, the individual may resign from employment. The Medical College of Ohio will continue the investigation to its full conclusion. The Medical College of Ohio is committed to treating allegations of misconduct seriously and not only will develop, but will implement policies and procedures to provide for a fair and expeditious handling of the accusations in order to maintain the public confidence in the integrity and value of scientific research and all other academic activities being conducted at the Medical College of Ohio.

Source: Executive Vice President and Provost

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