

MEMORANDUM

*not
approved
rec SD 91-15*

TO: Fort Wayne Senate

FROM: Faculty Affairs Committee

DATE: January 22, 1992

SUBJ: Research Misconduct Procedures

DISPOSITION: To the presiding officer for implementation

RESOLVED, that the Fort Wayne Senate approve the following Procedures for Dealing with Research Misconduct for the Fort Wayne campus.

Approving

R. Jeske
D. Oberstar
R. Pacer
J. Scherz
J. Silver

Absent

J. Clausen
D. McCants

NOTE: Questions concerning this document should be addressed to David Oberstar at extension 6836.

PROCEDURES FOR DEALING WITH RESEARCH MISCONDUCT

The following procedure shall be followed in any situation related to research misconduct. The major phases of the procedure are the inquiry, a process of information gathering and initial fact-finding to determine whether an allegation or apparent instance of research misconduct warrants an investigation, and the investigation, which is the formal examination and evaluation of all relevant facts to determine if research misconduct has occurred. The inquiry and investigation are internal administrative and collegial proceedings and not judicial processes. An individual who is the object of an inquiry or investigation may be advised or represented by persons selected by the individual, the number of which shall be determined on a case by case basis by the committee involved. All such assistance shall be obtained and rendered at the expense of the accused.

1. The initial allegation of research misconduct must be reported in writing to the school Dean or Director (hereafter Dean shall refer to Dean or Director). The written allegation must be signed but requests for anonymity will be considered and final decisions with respect to such requests shall be made by the school Dean.
2. Upon receiving such an allegation the school Dean shall inform the individual of the allegation and appoint a committee to conduct an inquiry into the allegation. The advice of the chair of the department involved may be solicited in appointing the inquiry committee. The committee shall be composed of three individuals selected for their expertise in the field of research involved.
3. The committee shall send a written report of the results of the inquiry to the accused and a copy to the school Dean.
4. If a majority of the inquiry committee votes that an investigation is not warranted, the report shall be securely stored in the office of the school Dean for as long as required by federal regulations and then destroyed.
5. If a majority of the inquiry committee votes that an investigation is warranted, the school Dean shall inform the Chancellor, who in turn shall inform the President of Purdue University that an official university investigation shall be made into the alleged research misconduct. Where appropriate, the President of Indiana University shall be kept informed. If required by federal regulations, the President of Purdue University shall notify the appropriate office of the involved agency. The school Dean shall inform the individual that an investigation will be conducted.
6. The school Dean, the Vice Chancellor for Academic Affairs, and the Chair of the Faculty Affairs Committee of the Fort Wayne Senate shall jointly appoint a committee to investigate the allegation. The committee shall consist of not more than seven members unless the persons appointing the committee determine that a larger number is required in order to provide the required expertise on the subject and breadth of representation. The committee will elect it's own chair. The committee shall include at least one member who is a peer of the accused. Members of the inquiry committee may not serve on the investigation committee.

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7. The investigation committee shall make available a written report of the results of the investigation to the accused and jointly to the school Dean, the Vice Chancellor for Academic Affairs, and the Chair of the Faculty Affairs Committee of the Fort Wayne Senate. The investigation must be completed within 90 days of its initiation unless circumstances clearly warrant a longer period.
8. The school Dean, Vice Chancellor for Academic Affairs, and the Chair of the Faculty Affairs Committee of the Fort Wayne Senate shall jointly inform the Chancellor, who in turn shall inform the President of Purdue University, of the results of the investigation. Where appropriate, the President of Indiana University shall be kept informed. If required by federal regulations, the President of Purdue University shall provide a report to the appropriate office of the involved agency.
9. The accused and the inquiry and investigation committees shall have the privilege of presenting witnesses. Each such witness may be cross-examined by the accused or the committee involved. Pertinent records, exhibits and written statements may be accepted as evidence for consideration by the committee involved at the discretion of the Chair.
10. The inquiry committee's and the investigation committee's determination shall be made on the basis of whether it is more likely than not that the accused committed research misconduct.
11. There shall be a single verbatim record, such as a tape recording, of all hearings before the investigation committee. The record shall be the property of Indiana University-Purdue University at Fort Wayne.

APPEALS

A decision reached by the investigation committee may be appealed by the accused to an appeals committee within five working days of receiving the decision. Such appeals shall be in writing and shall be delivered to the Vice Chancellor for Academic Affairs.

The appeals committee shall consist of not more than three persons selected for their expertise in the field, who shall be appointed by the Vice Chancellor for Academic Affairs.

Except as required to explain the basis of new evidence, an appeal shall be limited to a review of the verbatim record of the investigation committee and supporting documents for one or more of the following purposes:

- (a) To determine whether the investigation committee's hearing was conducted fairly in light of the charges and evidence presented and in conformity with prescribed procedures giving the accused a reasonable opportunity to prepare and present a rebuttal to all allegations.
- (b) To determine whether each fact necessary to establish that the accused committed research misconduct was based on substantial evidence.

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- (c) To consider new evidence sufficient to alter the decision, but only where such evidence was not known to the accused or could not reasonably have been discovered by the accused at the time of the investigation committee's deliberations.
- (d) The appeal must be completed within 25 days of its initiation unless circumstances clearly warrant a longer period.

MISCELLANEOUS

The duties of the investigation committee will be concluded with their report of the findings of fact. After the completion of any appeal or upon the expiration of the time for appeal, the administration of the university shall then determine appropriate sanctions, if any, arising from the committee's report, such sanctions being subject to established university disciplinary procedures, including relevant sections of Purdue University Executive Memorandum B-48 and the section of the current Indiana University Academic Handbook titled Code of Academic Ethics.

Determinations made under this policy as to the culpability of the accused and the findings of fact shall be deemed final, and all proceedings under existing University grievance procedures shall be limited to issues concerning the appropriateness of any sanctions imposed.

The timetable and requirements established by the Department of Health and Human Services for dealing with and reporting possible misconduct in science shall be applied to the fact-finding procedure.

Committees shall be appointed as promptly as reasonably possible under the circumstances. After appointment, each committee shall conduct its inquiry or investigation as promptly as reasonably possible consistent with thoroughness, fairness and impartiality.

All procedural questions not addressed by this policy are subject to the final decision of the Chairperson of the committee involved.

At any stage of the inquiry, investigation or appeal, the Vice Chancellor for Academic Affairs shall be promptly notified if 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 any person making the allegation or of any individual who is the subject of any allegation as well as his or her co-investigators and associates; (4) it is probable that the alleged incident is going to be reported publicly; or (5) there is a reasonable indication of possible criminal violation.