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## POLICY AND PROCEDURES FOR HANDLING ALLEGATIONS OF RESEARCH MISCONDUCT

### 1. GENERAL STATEMENT OF POLICY

This policy confirms Southeast Missouri State University’s (hereby also referred to as the University or SEMO) commitment to foster an environment that preserves the integrity of the research record and promotes truth, objectivity, fairness, and honesty in the conduct of all research at the University. The policy is intended to promote the principles of professional integrity, prevent research misconduct, and ensure that allegations of misconduct are investigated and resolved in a fair, prompt, and consistent manner. The University will investigate allegations of research misconduct in accordance with this policy and the accompanying procedures. Research misconduct is also prohibited under federal laws and regulations applicable to recipients of federal funding and can result in financial and legal liabilities for the University and individuals. This policy is designed to comply with applicable federal laws and regulations required as a condition of accepting federal funding. This policy asserts that research misconduct is prohibited by the University, regardless of funding source.

Research misconduct is defined as fabrication, falsification, or plagiarism, or any other practice that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities generally in proposing, performing, reviewing, or reporting research. Specifically:


- Fabrication is making up data or results and recording or reporting them;
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record;
- Plagiarism is the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.

Research misconduct does not include honest error or differences of opinion. A finding of research misconduct requires that:

- 1) there is a significant departure from accepted practices of the relevant research community,
- 2) the misconduct is committed intentionally, knowingly or recklessly; and
- 3) the allegation is proven by a preponderance of the evidence.

### Scope

This policy and the accompanying procedures apply to all allegations of research misconduct, and to all individuals engaged in research who, at the time of the

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allegation of misconduct, were employed by, were agents of, or were affiliated by contract or agreement, or as a student, with the University. The termination of the respondent’s University employment or affiliation, including as a student, by resignation, withdrawal, or otherwise, before or after an allegation of possible misconduct has been reported, will not preclude or terminate the misconduct proceeding or otherwise limit any of the University’s responsibilities under this policy.

**General Policy Requirements and Principles**

When allegations of research misconduct are made, the University is committed to a thorough investigation of such allegations, while protecting the rights of all involved to the maximum extent feasible.

***Responsibility to Preserve Research Integrity***

Those participating in scientific or scholarly research must report discoveries, observations and scholarly and artistic activities accurately and fairly. All Southeast Missouri State University faculty, administration, staff and students share the responsibility to preserve research integrity and prevent research misconduct. The entire University community must create an atmosphere that promotes ethical standards and fosters honest research. The University has an obligation to establish standards and responsibilities for its community and to hold its members accountable for failing to adhere to this policy.

***Responsibility to Report Misconduct***

All members of the University community have the responsibility of reporting, in good faith, any observed, suspected, or apparent research misconduct to the Dean of Graduate Studies. Any institutional official who receives an allegation of misconduct must report it immediately to the Dean of Graduate Studies. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, they should meet with or contact the Dean of Graduate Studies to discuss the suspected misconduct informally; this may include discussing it anonymously or hypothetically.

***Cooperation with Research Misconduct Proceedings***

All members of the University community are expected to cooperate with the Dean of Graduate Studies and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to misconduct allegations to the Dean of Graduate Studies or other University officials and to cooperate with the relevant government agencies.

***Confidentiality***

All proceedings will be kept confidential and will not be disclosed except as necessary to

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facilitate a complete and comprehensive investigation, or as required by applicable federal, state, or other agency regulations or law. Written confidentiality agreements or other mechanisms may be used to ensure that a recipient does not make any further disclosure of identifying information.

The identity of respondents and complainants will be shared only with those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding, and as allowed or required by law. No complainant, respondent or SEMO associate may publicize or disclose the identity of complainants, respondents or members of any inquiry, investigation or Appeals Committee, or any records or evidence from which research subjects might be identified, except as authorized by the Dean of Graduate Studies pursuant to this policy and applicable law. If an allegation results in an investigation, the Dean of Graduate Studies may confidentially advise any person or entity that has plans to publish or disseminate the results of the research to which the allegation relates of the pending investigation.

If the allegation involves use of human and/or animal subjects in research, the chair(s) of the University's Institutional Review Board and/or of the Institutional Animal Care and Use Committee, as well as the University official(s) responsible for this/these committee(s), will be provided with the final inquiry report.

Except as may otherwise be prescribed by applicable law, confidentiality must be maintained for any records or evidence from which research subjects might be identified. Disclosure is limited to those who have a need to know to carry out a research misconduct proceeding.

The University must disclose the identity of respondents and complainants to the Office of Research Integrity (ORI) at the U.S. Department of Health and Human Services pursuant to an ORI review of research misconduct proceeding under 42 CFR § 93.403, or other governmental agencies pursuant to other laws and regulations. Further, under 42 CFR § 93.517(g), U.S. Department of Health and Human Services (HHS) administrative hearings must be open to the public. Other administrative hearings may also be held publicly.

***Ensuring a Fair Investigation***

The Dean of Graduate Studies is responsible for ensuring a thorough, competent, objective and fair response to allegations of research misconduct consistent with and within the time limits of this policy and federal regulations. This includes taking precautions to ensure that individuals responsible for carrying out any part of the research misconduct proceedings do not have unresolved personal, professional or financial conflicts of interest with the complainant, respondent, or witnesses.

Further, reasonable steps shall be taken to ensure an impartial and unbiased investigation to the extent practicable, including participation of persons with appropriate scientific expertise who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation.

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***Protection of Complainants, Witnesses, Advisors, Committee Members, or Others***

Any form of retaliation against complainants, witnesses, advisors, committee members, or others involved in the administration of the process, is strictly prohibited. All covered individuals should immediately report any alleged or apparent retaliation against complainants, witnesses, advisors, committee members, or others involved in the administration of the process to the Dean of Graduate Studies, who will review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

***Protection of the Respondent***

Inquiries and investigations will be conducted in a manner that affords fair treatment to the respondent in the inquiry and investigation, and confidentiality to the extent possible without compromising public health and safety or a thorough and compliant inquiry or investigation. The Dean of Graduate Studies is responsible for ensuring that the notices and opportunities provided for in this policy, and when relevant, appropriate federal regulations, are provided to respondents. As requested and appropriate, the Dean of Graduate Studies and other University officials will make reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in misconduct but against whom no finding of research misconduct is made.

***Interim Institutional Administrative Actions and Notification of Special Circumstances***

Throughout the misconduct proceeding, the Dean of Graduate Studies will review the situation to determine if there is any possible criminal violation; threat of harm to public health or safety or to experimental subjects or others; need to take immediate action to protect federal funds and/or equipment or funds or equipment of any other sponsor; need to assure compliance with the terms of a sponsoring contract; need to take steps to ensure the integrity of the research process or evidence; need to take immediate action to prevent or stop an imminent or continuing violation of an applicable law, regulation, or other governmental requirements or of a University rule or policy; or need to prevent the probable public disclosure of an allegation or any misconduct proceeding. In the event of such a concern, the Dean of Graduate Studies will, in consultation with other University officials and, if the allegations involve federal agency support, with the relevant governmental Office of Research Integrity, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of, if applicable, federal funds and equipment, additional review of research data and results, or delaying publication or filing of new requests for funding. The Dean of Graduate Studies will, at any time during a misconduct proceeding that involves federal agency support, notify the relevant government Office of Research Integrity immediately if there is reason to believe that any of the following conditions exist:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects. The chair(s) of the University's Institutional Review Board and/or



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Institutional Animal Care and Use Committee, as well as the university official(s) responsible for this/these committee(s), will be promptly notified of such action.

- HHS resources or interests are threatened.
- Research activities should be suspended.
- There is reasonable indication of possible violations of civil or criminal law.
- Federal action is required to protect the interests of those involved in the research misconduct proceeding.
- The research institution believes the research misconduct proceeding may be made public prematurely so that HHS may take appropriate steps to safeguard evidence and protect the rights of those involved.
- The research community or public should be informed.

### ***Maintenance of Records***

The University will maintain records of misconduct proceedings in a secure manner for seven (7) years after completion of the proceedings, or in compliance with any research sponsor guidelines, whichever is longer. In cases of research misconduct that involve federal agency funding, the University will also maintain such records in a secure manner for seven (7) years after the completion of any federal proceeding involving the research misconduct allegation and must provide any information, documentation, research records, evidence, or clarification requested by the relevant governmental Office of Research Integrity to carry out its review of an allegation or of the University’s handling of such allegation.

### ***Cooperation with the Office of Research Integrity (ORI)***


The University will cooperate fully with any governmental ORI during its oversight review or any subsequent administrative hearings or appeals. This includes providing all research records or evidence under the University’s control, custody, or possession and access to all persons within its authority necessary to develop a complete record of relevant evidence.

## **2. PROCEDURES**

### **Allegations of Misconduct**

Allegations of research misconduct are to be reported to the Dean of Graduate Studies. In the event that the Dean of Graduate Studies has a conflict of interest with any aspect of the case, the allegation will be pursued by the Provost in accordance with the procedures described in this document.

The conduct which forms the basis of an allegation may also involve the possible violation of other University policies or the policies of other institutions, and of external laws and regulations, and may occasion other internal or external adjudicatory proceedings.

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## Assessment

The assessment period should be brief. In conducting the assessment, the Dean of Graduate Studies must determine whether the allegation is sufficiently credible and specific to indicate that potential evidence of misconduct may exist. The Dean of Graduate Studies may, but need not, convene a committee of subject matter experts to make this determination. If the Dean of Graduate Studies determines the allegation is sufficiently credible and evidence of misconduct may exist, an inquiry will be initiated.

If the Dean of Graduate Studies determines that the alleged misconduct is not research misconduct, but is misconduct under another University policy, the Dean of Graduate Studies will promptly bring the allegation to the attention of the University official responsible for compliance with that policy. In such cases, an inquiry will not be conducted under this policy.

Complainants will be informed about the general outcome of the assessment of their complaint.


## Inquiry

### *Purpose*

The purpose of the inquiry is to decide if there is sufficient evidence that an investigation is required, not whether in fact research misconduct has occurred. At the inquiry stage, factual information is gathered and expeditiously reviewed to determine whether sufficient evidence exists to conduct an investigation. An inquiry is not a formal hearing and does not require a full review of all the evidence related to the allegation. An investigation is warranted if there is a reasonable basis for concluding the allegation falls within the definition of research misconduct and the preliminary information gathering and fact-finding from the inquiry indicate that the allegation may have substance.

### *Notifications and Sequestration of Evidence*

Prior to initiating the inquiry, the Dean of Graduate Studies will make a good faith effort to notify the respondent, complainant, relevant department chair and dean, and Provost in writing of the need for an inquiry, with a reminder of their confidentiality obligations. If the inquiry subsequently identifies additional respondents, the Dean of Graduate Studies must notify them as well, in addition to any other relevant department chairs and deans. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the Dean of Graduate Studies will take all reasonable and practical steps to obtain custody of all of the research records and evidence needed to conduct the misconduct proceedings. After obtaining custody, the Dean of Graduate Studies will inventory the records and evidence and sequester them in a secure manner.

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***Appointment of the Inquiry Committee***

The Dean of Graduate Studies, in consultation with the Provost and relevant dean, will appoint an Inquiry Committee. The Dean of Graduate Studies will also appoint a committee chair, generally within 10 days of naming the committee, or as soon thereafter as practical. The composition and size of the committee will be determined by the Dean of Graduate Studies. The Inquiry Committee will consist of individuals selected from the faculty and administration who do not have unresolved personnel, professional or financial conflicts of interest with those involved in the inquiry and should include individuals with appropriate expertise to evaluate the evidence and issues related to the allegation. If the alleged research misconduct occurred under a project that involves the use of human subjects or laboratory animals in research, members of the Inquiry Committee may be selected from the appropriate University compliance committee(s) for human and/or animal subjects.

The Dean of Graduate Studies will advise and assist the Inquiry Committee and will be available when it meets to conduct its business. The Dean of Graduate Studies will prepare a written charge outlining the committee's responsibilities, which will include the following guidance, together with any other information or guidance that the Dean of Graduate Studies believes would be useful to the committee:

- 1) The respondent will be granted an opportunity to respond, in person and/or in writing at the committee's discretion, to any allegation relating to the respondent.
- 2) The inquiry will generally involve interviewing the complainant, the respondent, and key witnesses, as well as examining relevant research records and materials. Evidence will then be evaluated, including the testimony obtained during the inquiry.
- 3) The Committee will decide by majority vote if the investigation criteria have been satisfied for each allegation of research misconduct under consideration. The committee may revise an allegation against the respondent in light of any information made available by the Dean of Graduate Studies to the committee during the course of the inquiry process, provided that the Dean of Graduate Studies confirms that the restated allegation satisfies the inquiry criteria and the respondent is afforded notice and an opportunity to respond and provide evidence prior the committee's final vote on the application of the investigation criteria to the restated allegation.
- 4) The Committee will prepare a draft written determination of its decision with respect to each allegation of research misconduct and the basis for each decision.
- 5) The Committee, via the Dean of Graduate Studies, will provide the respondent with a copy of the draft determination and the respondent will have 10 days from the date of delivery to inform the Committee in writing of any claimed errors or to provide any other comments relevant to the allegations that the respondent wishes to make. The Committee will consider any timely written comments from the respondent and determine whether to amend the draft determination. Any timely comments received from the respondent will be attached to the final inquiry report.



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- 6) The Dean of Graduate Studies may notify the complainant whether the inquiry found an investigation to be warranted and provide relevant portions of the draft inquiry report to the complainant for comment within 10 days of receipt. The complainant will execute a confidentiality agreement prior to receiving a copy of any portion of the draft inquiry report. Any timely comments received from the complainant will be attached to the final inquiry report. Based on the comments, the Inquiry Committee may revise the draft inquiry report as appropriate and prepare it in final form.
- 7) The Committee will finalize the inquiry report and provide the document, along with any appendices, to the Dean of Graduate Studies and the Provost, within 10 days of receipt of the respondent's and/or complainant's comments or the date by which the comments were due. The final inquiry report will include the following information, at a minimum: (1) the name and position of the respondent, (2) a description of the allegations of misconduct, (3) whether the alleged misconduct involved federal agency support and information regarding that support, (4) the basis for recommending or not recommending that the allegations warrant an investigation, (5) any comments on the draft inquiry report by the respondent or complainant, (6) the evidence reviewed, and (7) a summary of relevant interviews.
- 8) The Committee will complete its inquiry and prepare its final determination within 60 days of the appointment of the Inquiry Committee Chair, unless a shorter period is specified in any applicable research sponsor requirement, or the Dean of Graduate Studies determines circumstances warrant a longer period. If the inquiry takes longer than 60 days to complete, the inquiry record must include documentation of the reasons for exceeding the 60-day period.


### *Findings of the Inquiry*

The Dean of Graduate Studies will notify the respondent whether the inquiry found that an investigation is warranted. This notice will include a written copy of the final inquiry report and include a copy or reference to the University's policies and procedures as adopted under this document.

If the Inquiry Committee's report concludes that the investigation criteria have been satisfied with respect to one or more allegations of research misconduct under consideration, the Dean of Graduate Studies will notify the research sponsor, if any, as required by the sponsored research agreement. The Dean of Graduate Studies will make the final inquiry determination available to the relevant dean and department chair, as appropriate, and will proceed with an investigation as outlined below. The Dean of Graduate Studies will notify the complainant of the final outcome in writing.

If the Inquiry Committee's final report concludes that the investigation criteria have not been satisfied with respect to any allegation, the Dean of Graduate Studies will send a copy of the final inquiry report to the respondent, relevant department chair and dean, as appropriate, and



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notify the complainant in writing of the outcome. Any evidence gathered or sequestered by the Dean of Graduate Studies for assessment and inquiry with respect to that respondent may be released back to the source.

## **Investigation**

### ***Purpose***

An investigation will be initiated only after an Inquiry Committee reaches a determination that an investigation is warranted. The investigation's purpose is to explore further the allegations and determine whether research misconduct has been committed, by whom, and to what extent. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent will be informed in writing when significant new directions of investigation are undertaken. The investigation will focus on accusations of misconduct as defined previously and examine the factual information associated with each case. The investigation will look carefully at the substance of the charges and examine all relevant evidence.


The investigation must begin within 30 calendar days after the determination that an investigation is warranted.

### ***Investigation Records***

The Dean of Graduate Studies will, prior to notifying the respondent of any new allegations, take all reasonable and practical steps to obtain custody of, and sequester in a secure manner, any research records and evidence needed to conduct the investigation that were not previously sequestered during the inquiry. Where the research records or evidence encompass scientific data, notebooks, or instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the University's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

### ***Investigation Notification***

On or before the date on which the investigation begins, the Dean of Graduate Studies will notify the respondent (and as appropriate, the complainant) in writing of the allegations to be investigated. If the investigation involves federal research funding, the Dean of Graduate Studies must at the same time (which should be within 30 days of determining that an investigation is warranted) notify the relevant governmental ORI of the decision to begin the

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investigation and provide the relevant ORI with the written finding and a copy of the final inquiry report, if required. If the University is contractually or otherwise bound to provide notice to another type of research sponsor, it will do so according to the relevant terms. The Dean of Graduate Studies must also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

In the interim, the University will, if necessary, act to protect the health and safety of research subjects, students, public health, federal funds and equipment, including the integrity of the Division of Public Health Services (PHS)-supported (or other federal agency, as required) research process. Administrative action could range from complete suspension to slight restrictions in the research activities of the respondent. Interim administrative action will be taken with consideration of how it might affect other individuals and the ongoing research within the institution. The University will also notify ORI (under 42 CFR § 93.318) or other appropriate governmental agency of the investigation, including any facts that may be relevant to protect the health and safety of research subjects, students, public health, federal funds and equipment, including the integrity of the research process.

***Appointment of Investigation Committee***

The Provost, in consultation with the relevant dean(s), will name an Investigation Committee and a Committee chair to hear the formal charges against the respondent within 10 days of being provided the written determination that an investigation is warranted or as soon thereafter as practical. The Investigation Committee should consist of faculty and/or administrators, as deemed appropriate by the nature of the allegation(s), and be individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the necessary and appropriate scientific expertise to carry out a thorough and authoritative evaluation of the evidence reviewed, evaluate issues related to the allegation, interview the respondent and complainant, and conduct the investigation. The Committee will also include person(s) reasonably knowledgeable about federal and institutional regulations applicable to research involving human and/or animal subjects when such issues are involved in the allegation. The committee should not include anyone with prior involvement of the Inquiry Committee or research in question. The respondent will be informed of the proposed composition of the Committee in writing by the Provost or the Provost’s designee. Within 10 days of receiving notice of the composition, the respondent may raise objections to individual appointees on the basis of unresolved conflicts of interest. The Provost will consider the objections and make a final determination as to whether a conflict exists.

Once an Investigation Committee has been appointed, the Dean of Graduate Studies will prepare a written charge outlining the Committee’s responsibilities. The Dean of Graduate Studies will advise and assist the Committee in connection with procedural issues relating to the charge and the inquiry. The charge will include the following guidance, together with any

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other information or guidance that the Dean of Graduate Studies believes would be useful to the committee:

- 1) The Committee will fully investigate and document the charges set forth, and recommend appropriate action based on an examination of all research records and evidence relevant to reaching a decision on the merits of each allegation. Since the Investigation Committee’s findings will serve as a factual basis for its recommendation and for any disciplinary action against the respondent, the Committee must take reasonable steps to ensure an impartial, unbiased, and thorough investigation to the maximum extent possible.
- 2) The Committee will create and maintain a detailed record of the proceedings.
- 3) The Committee will review the final Inquiry Committee report and other relevant and available research records and documents. The Committee must interview the complainant and respondent and should interview available witnesses identified by the complainant and/or respondent as having probative information. The respondent (and the respondent’s advisor, if applicable) will be offered the opportunity to be present during witness interviews and may submit written questions to the Committee that the respondent wishes the witness to answer. The Committee will ask the witness to answer questions submitted by the respondent that the Committee determines, in its reasonable discretion, are appropriate. The testimony of each interviewee will be under oath and recorded or transcribed.
- 4) If the Committee determines that it is more likely than not that a respondent has, with culpable intent, (a) destroyed or failed to produce evidence requested by the committee or (b) failed to create or maintain records to substantiate the research that is the subject of the committee’s investigation, the Committee may infer that the unavailable evidence was adverse to the respondent.
- 5) The Committee will diligently endeavor to examine all relevant research records and evidence, to pursue all significant and relevant issues and leads, and to document the investigation thoroughly. The Committee will continue the investigation to completion. The Committee may amend or supplement the statement of allegations against the respondent in light of evidence obtained in the course of the investigation, provided that the Dean of Graduate Studies determines that the amended or supplemented allegations satisfy the Investigation Criteria and the respondent is afforded notice and an opportunity to respond, including by additional submission of evidence and examination of witnesses, as necessary to ensure fairness and completeness of the respondent’s opportunity for rebuttal.
- 6) After completing its investigation, the Committee will make a determination for each allegation under consideration, as follows:
  - a. Whether a majority of the Committee finds misconduct by a preponderance of the evidence; and
  - b. For each finding of misconduct, whether a majority of the Committee finds by a preponderance of the evidence that the respondent had culpable intent.
- 7) The Committee will prepare a draft investigation report that states the Committee’s findings and the facts upon which the findings were based, addresses any rebuttal or

exculpatory evidence presented by the respondent, and states whether the respondent's actions departed significantly from standard university research practices. Items that should be provided in the draft report include:

- a. A description of the nature of the allegation of misconduct, including identification of the respondent;
  - b. In investigations that involve allegations of research misconduct in research with federal agency support, a description and documentation of the support, such as the numbers of any grants that are involved, as well as grant applications, contracts, and publications listing the support;
  - c. A description of the specific allegations of misconduct considered in the investigation;
  - d. The institutional policies and procedures under which the investigation was conducted, unless, in cases that involve federal agency support, those policies and procedures were previously provided to the relevant governmental Office of Research Integrity in the final inquiry report;
  - e. Identification and summary of the research records and evidence reviewed and identification of any evidence taken into custody but not reviewed; and
  - f. A statement of findings for each allegation of misconduct identified during the investigation. Each statement of findings must:
    - i. identify whether the misconduct was falsification, fabrication, or plagiarism, or other practices defined as research-related misconduct under this policy and whether such misconduct was committed intentionally, knowingly, or recklessly;
    - ii. summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that they did not engage in misconduct because of honest error or a difference of opinion;
    - iii. if applicable, identify the specific federal agency support;
    - iv. identify whether any publications needs correction or retraction;
    - v. identify the person(s) responsible for the misconduct; and
    - vi. if applicable, list any known applications or proposals for support that the respondent has pending with any federal agencies.
- 8) The Investigation Committee, via the Dean of Graduate Studies, will deliver to the respondent a copy of the draft report. A copy of the evidence on which the report was based will be included with the draft report or the respondent will be afforded supervised access to it. The respondent will have the longer of either 15 days from the date the report was delivered or the period specified by any applicable law to inform the Committee in writing of any claimed errors or to provide any other comments relevant to the allegations that the respondent wishes to make. The Committee will consider any timely written comments from the respondent to determine whether to amend the draft report.
- 9) The Committee will finalize its investigation report, which shall include all of the



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elements of the draft report as well as the procedures and grounds for appeal, and attach any timely written comments from the respondent and provide the final investigation report to the Dean of Graduate Studies.

- 10) The Committee will complete its investigation and prepare its final report within 120 days of beginning the investigation, unless a shorter period is specified in any applicable sponsored research agreement, or unless the Dean of Graduate Studies determines that circumstances require a longer period for the Committee to perform its duties properly and that any necessary research sponsor approval for an extension can be obtained.
- 11) When the Investigation Committee has completed its work, the Dean of Graduate Studies will deliver a copy of the final report to the research sponsor, as specified by a sponsored research agreement or sponsor policy. The Dean of Graduate Studies will deliver a copy of the final report to the respondent and will make the final report available to the Provost and relevant dean. The Dean of Graduate Studies will notify the complainant in writing of the Committee’s determination.

### **Appeal of a Finding of Research Misconduct**

The Respondent will have no more than 15 days from the date of delivery of an Investigation Committee’s final report of a finding of Research Misconduct to submit a written appeal of the Research Misconduct finding(s) to the Dean of Graduate Studies. The statement of appeal must clearly state (1) which findings of Research Misconduct the Respondent is appealing and (2) the facts and analysis that the Respondent believes the Appeals Committee should consider in deciding whether to overrule a finding of Research Misconduct.

Upon receipt of the written appeal, the Dean of Graduate Studies will make the statement of appeal available to the relevant dean and Provost.

Upon receiving a timely statement of appeal, the Provost will appoint an Appeals Committee consisting of three people with sufficient expertise to evaluate the substance of the appeal but with no prior involvement with the underlying Inquiry Committee, Investigation Committee or research in question. In considering an appeal, the Appeals Committee will be guided by the following principles:

- 1) All matters before the committee requiring a decision will be decided by majority vote.
- 2) If the respondent claims that investigation procedures were unfair, the Committee will determine if the investigation was fairly conducted in a manner that was consistent with the policy and procedures. The Appeals Committee may not overturn a finding of research misconduct based on a claimed procedural defect unless the Committee verifies the defect and determines that it actually prejudiced the ability of the respondent to prepare for and rebut an allegation of research misconduct and that the respondent made a timely, documented objection concerning the procedural defect so that the Dean of Graduate Studies or the Investigation Committee had the opportunity to correct the alleged defect at the time it occurred.



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- 3) If the respondent claims that the evidence does not support a finding of Research Misconduct, the Appeals Committee must uphold the finding if the Investigation Report discloses any reasonable basis for the Investigation Committee’s decision. An Appeals Committee has no authority to reweigh the evidence considered by the Investigation Committee or evaluate the Investigation Committee’s decision on the basis of evidence outside the Investigation Committee record.
- 4) If a respondent’s appeal tenders evidence that the respondent contends (a) is material to the Investigation Committee’s determinations and (b) was unavailable to the respondent and the Investigation Committee at the time that the Investigation Committee made its determinations, and if the Appeals Committee concurs with the respondent on both (a) and (b), the Appeals Committee will inform the Provost and Dean of Graduate Studies, who will direct the Investigation Committee to evaluate the new evidence and determine whether to amend its findings and final report.
- 5) The Appeals Committee will complete its evaluation of the records, reports and evidence and provide written notification of its decision to the Provost via the Dean of Graduate Studies, who will provide copies to the respondent and relevant dean by the later of 30 days after the Committee was formed or 30 days after the Committee receives any amended appeal from an amended final report of the Investigation Committee, unless circumstances clearly require a longer period, as determined by the Dean of Graduate Studies.

### 3. OUTCOMES

#### No Findings of Misconduct


When the investigation finds no support for allegations of scientific misconduct, all federal agencies, sponsors, or other entities initially informed of the investigation will be notified by the Dean of Graduate Studies. The findings of the investigation will be sealed and retained in a confidential and secure file within the Office of Graduate Studies.

If a majority of the members of the Investigative Committee concludes that the complainant acted in bad faith in making the allegation(s), or that the complainant or any witness acted in bad faith during any misconduct proceeding, the Investigative Committee shall refer the matter for administrative review and appropriate action.

If the allegations, however incorrect, were found to have been made in good faith, no disciplinary measures will be taken, and efforts will be made to prevent retaliatory actions.

#### Findings of Misconduct

When an investigation determines that misconduct in research has occurred, either after a

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respondent does not submit a timely appeal of a finding of research misconduct or if an Appeals Committee upholds one or more findings of research misconduct, the Provost will determine the respondent’s disciplinary sanctions, in keeping with appropriate institutional policies.

**Disciplinary Action**

University disciplinary action will be in proportion to the nature and severity of the misconduct and may include termination of employment. The Dean of Graduate Studies, in consultation with the relevant dean, shall recommend appropriate disciplinary action to the Provost.

**Notifications**

All federal agencies, sponsors, or other entities initially informed of the investigation will be notified of the findings of misconduct once the appeal process has been exhausted. Other notifications may be made as required by sponsor policy or any applicable laws or regulations.

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## 4. DEFINITIONS

### ***Complainant***

The source of an allegation of research misconduct. The source may be a SEMO student or employee the University, or a person or entity outside of the University.

### ***Culpable Intent***

A knowing, intentional or reckless act or omission. An act or omission attributable only to mere negligence, honest error or a difference of opinion lacks Culpable Intent.

### ***Fabrication***

Making up data or results and recording or reporting them.

### ***Falsification***

Manipulating research materials, equipment, or processes, or changing or omitting data or results so that the research involved is not accurately represented in the research record.

### ***Inquiry***

An information-gathering and initial fact-finding to determine whether an allegation of misconduct warrants an investigation.

### ***Inquiry Committee***

A committee of three members appointed by the Provost, with guidance from the Dean of Graduate Studies, comprised of members of the faculty and administration, to review an allegation of research misconduct that the Dean of Graduate Studies has determined satisfies the inquiry criteria. The Committee determines if the investigation criteria have been satisfied for any of the allegations provided to them.

### ***Inquiry Criteria***

The following two criteria, which must both be answered in the affirmative by the Dean of Graduate Studies in order for an inquiry to commence:

1. Would or might the allegation, if taken as true, fall within this policy's definition of research misconduct?
2. Is the allegation sufficiently specific and credible so that potential evidence of research misconduct may be identified and gathered?


### ***Investigation***

A formal examination and evaluation of all relevant facts to determine if one or more instances 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.

### ***Investigation Committee***

A Committee of at least three members appointed by the Provost, with guidance from the Dean



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of Graduate Studies and in consultation with the relevant dean, comprised of members of the faculty and administration, to review allegations of research misconduct that an Inquiry Committee has determined satisfy the investigation criteria. The Committee determines whether an identified respondent has committed research misconduct with respect to each such allegation.

***Investigation Criteria***

The following two criteria, which must both be answered in the affirmative by an Inquiry Committee in order for an investigation to commence:

1. Taking the alleged facts as true, does the allegation describe conduct that may fall within this policy’s definition of research misconduct?
2. Does there exist evidence that has been or could be readily obtained, which would help show whether research misconduct (as defined in this policy) has occurred?

***Plagiarism***

The appropriation of another person's ideas, processes, results or words without giving appropriate credit. Plagiarism does not include disputes about authorship or credit.

***Preponderance of Evidence***

The standard for an Investigation Committee’s assessment whether alleged research misconduct is proved. There is a preponderance of evidence if the weight of the evidence shows a fact or conclusion to be more likely true than not.

***Procedures***

The procedures included in this document for addressing allegations of research misconduct.

***Relevant Dean***

The University dean whose school, college or program is most directly involved with the research that is the subject of a particular allegation of research misconduct.


***Relevant Department Chair***

The University department chair whose department is most directly involved with the research that is the subject of a particular allegation of research misconduct.

***Research Misconduct***

Research misconduct is defined as fabrication, falsification, or plagiarism, or any other practice that seriously deviates from practices commonly accepted in the discipline or in the academic and research communities generally in proposing, performing, reviewing, or reporting research. Specifically:

- Fabrication is making up data or results and recording or reporting them;
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record;
- Plagiarism is the appropriation of another person’s ideas, processes, results, or words

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without giving appropriate credit.

Research misconduct does not include honest error or differences of opinion. A finding of research misconduct requires that:

- 1) there is a significant departure from accepted practices of the relevant research community,
- 2) the misconduct is committed intentionally, knowingly or recklessly; and
- 3) the allegation is proven by a preponderance of the evidence.

***Research Sponsor***

A funding source for research that is the subject of an allegation of research misconduct.

***Research Sponsor Requirement***

A research integrity requirement imposed by a research sponsor, either pursuant to applicable law or as a funding condition.

***Respondent***

A person against whom an allegation of research misconduct is made.

***SEMO Associate***


An individual, corporation, limited liability company, partnership, association, institution, organization, unit of government or any other legal entity, however organized, that is employed by, is an agent of, or is affiliated by contract or agreement with, Southeast Missouri State University. Examples of SEMO associates may include, but are not limited to: SEMO officers; tenured and non-tenured SEMO faculty; all other University employees (whether full time, part time or temporary); SEMO postdoctoral research associates or research scientists (including visiting scholars); SEMO fellows; SEMO students; any person or entity helping to conduct research at the University; SEMO volunteers; and SEMO contractors, subcontractors, awardees, sub-awardees and their employees.

## 5. ACKNOWLEDGEMENTS

Sections of this document were copied and used with permission from Purdue University and Cornell University. We acknowledge use of their language and note that their permission to use the language does not constitute legal or policy advice.

## 6. HISTORY AND UPDATES

Replaces Faculty Senate Bill 12-A-14 (Policy) and Faculty Senate Bill 12-A-15 (Procedures). Policy and procedures were updated for clarity and to comply with current federal policy requirements and best practices as employed by institutions of higher education. Procedures were also revised to provide increased guidance for committees and decision makers.

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## 7. DATE APPROVED:

Date Updated: 05/17/2024

The Office of the Provost is responsible for maintaining any operating procedures related to Business Policy and Procedure 01-21 Research Misconduct. Unless otherwise specified, all questions regarding these procedures should be directed to the Office of the Provost, 573-651-2063.