I. PREAMBLE AND DEFINITION OF SCIENTIFIC MISCONDUCT

Truth, integrity, and credibility are critical and distinctive principles of any educational and research institution. Adherence to these principles is essential for the efficient progress of scientific research and for the preservation of the trust of the public and the research community. The maintenance of accepted standards in research based on these principles is highly regarded by the scientific community and is a major responsibility of St. John's University ("University"). Consequently, we must establish standards and procedures for our faculty members in order to preserve the truth, integrity, and credibility in research, to prevent scientific misconduct, and to deal efficiently and fairly with allegations or other indications of scientific misconduct.

Scientific misconduct is generally defined as any fabrication, falsification, omission, plagiarism, suppression, theft, misappropriation, or other practice that violates the standards commonly accepted within the scientific community for proposing, conducting, or reporting research. Honest errors or honest differences in interpretations or judgments of data are not regarded as scientific misconduct. Specific acts of scientific misconduct include, but are not limited to, the following:

**Falsification or Misrepresentation of Data**, which includes (1) reporting experiments, measurements, or statistical analyses never performed; (2) manipulating or altering data or other manifestations of research to achieve a desired result; (3) falsifying or misrepresenting background information, including biographical data, citation of publications, or status of manuscripts; and (4) selective reporting, including the deliberate suppression of conflicting or unwanted data.

**Plagiarism**, which is a misrepresentation of the words or ideas of another as one's own. More subtle practices include misleading or inadequate reference citation and duplicate publication of identical data without adequate reference.

**Abuse of Confidentiality**, which is the misuse of confidential information or the failure to maintain the confidentiality of such information. This includes the use of ideas and preliminary data gained from (1) access to privileged information through the opportunity for editorial review of manuscripts submitted to journals; and (2) peer review of proposals considered for funding by agency panels or internal committees.
Other Practices, which seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research, include, but are not limited to, the following:

Aiding or facilitating acts of academic dishonesty by others.

Violating pertinent federal or University regulations and ethical codes such as those involving the protection and welfare of human subjects and laboratory animals.

Breaching scientific integrity other than those enumerated above.

II. APPLICABILITY

The provisions of this policy apply to any person compensated by, under the control of or affiliated with the University, including but not limited to scientists, researchers, trainees, technicians, and other staff members, students, guest researchers, or collaborators.

The general terms of this policy apply to both federally funded and privately funded projects conducted by, through, or in affiliation with the University. Investigations and inquiries concerning Public Health Services Act (“PHSA”) supported research will be reported to the Office of Research Integrity (“ORI”) pursuant to the provisions of 42 C.F.R. Part 50, Subpart A. ORI reporting requirements are indicated where appropriate.

III. PROCEDURES FOR INFORMAL INQUIRIES

(a) Any complaint of alleged or apparent scientific misconduct, as defined in Part I, should be brought immediately to the attention of the Chair of the Science Advisory Committee or, in his/her absence or disqualification, the Assistant Provost for Graduate Studies and Research (both referred to as the "Senior Administrator").

(b) If, after evaluation, the Senior Administrator determines in his or her discretion that a complaint does not warrant further review, the Senior Administrator shall dismiss the complaint. If, after evaluation, the Senior Administrator determines in his or her discretion that a complaint does warrant further review, the Senior Administrator shall initiate an informal inquiry (“inquiry”). At this time, the Senior Administrator shall inform the accused of the allegations of the complaint and that an inquiry is being initiated.

(c) The inquiry shall be conducted by either an individual or an ad hoc committee selected by the Senior Administrator. The individual(s) selected to conduct the inquiry must be objective, impartial, and qualified to evaluate the complaint. The University will take every reasonable precaution to prevent real or apparent conflicts of interest between the person(s) conducting the inquiry and the subject(s) of the inquiry. Thus, as part of the selection process, the University will investigate any potential sources of real or apparent conflict between the person(s) selected to conduct the inquiry and
of the individual(s) selected to conduct the investigation. If the accused elects to do so, he or she shall, in writing and within five (5) days of his or her receipt of the names of the individuals selected to conduct the investigation, raise such objections to the Senior Administrator. The Senior Administrator will review the objections. If the objections are found to have merit by the Senior Administrator, those individual(s) to whom the objections pertain will be barred from any participation in the inquiry process.

(d) The individual(s) selected to conduct the inquiry shall conduct such inquiry as soon as possible. Such individual(s) shall afford the accused an opportunity to comment on the allegations in the complaint and prepare a written report with full documentation of such inquiry, including the evidence reviewed and a summary of any interviews conducted. With regard to any interviews conducted, complete summaries or transcripts of these interviews may, in the discretion of the individual(s) selected to conduct the inquiry, be prepared, provided to the interviewed individual for comment or revision, and included as part of the inquiry. The report shall recommend a course of action to the Senior Administrator including whether or not the allegations in the complaint are sufficiently substantive so as to warrant a formal investigation as prescribed in Part III. If the inquiry establishes that a formal investigation is not necessary, the reasons for this conclusion must be adequately documented. If the inquiry establishes that a formal investigation is necessary, the reasons for this conclusion must be adequately documented.

(e) The accused shall be given a copy of the report of the inquiry and afforded an opportunity to comment on the report to the individual(s) selected to conduct the inquiry. If the accused elects to comment on the report, he or she shall, in writing and within seven (7) days of his or her receipt of the report, notify the individual(s) selected to conduct the inquiry of his or her intention to do so. If the accused elects to comment on the report, his or her comments shall be made a part of the record.

(f) A complete record of the inquiry together with the written report of such inquiry shall be maintained and forwarded to the Senior Administrator by the individual(s) selected to conduct the inquiry.

(g) The inquiry process should be completed in its entirety within sixty (60) days after receipt of the complaint by the Senior Administrator. However, if the inquiry process takes longer to complete, the record of such inquiry shall include documentation of the reasons for such delay. If, for any reason, the University plans to terminate an inquiry concerning PHSA funded research without completing all the above requirements, a report of such planned termination, including a description of the reasons for such termination shall be made to the Office Of Research Integrity.

(h) Throughout the inquiry process and to the extent reasonably possible, all reasonable steps will be taken to preserve and protect the reputation and rights of both the accused and the complainant. To the extent reasonably possible, the inquiry process will be kept confidential and will not be disclosed, except as is necessary to facilitate a complete and comprehensive inquiry, or as is required under Part V. If the alleged scientific misconduct is not substantiated by the inquiry, every
reasonable effort will be made by the Senior Administrator to restore the reputation and integrity of the accused. Furthermore, if it is determined that the allegations in the complaint were made in bad faith, appropriate action against the complainant should be taken by the Senior Administrator.

(i) If new evidence is brought to the attention of the Senior Administrator after the completion of the inquiry process but prior to the institution of a formal investigation, if any, as prescribed in Part III, the Senior Administrator may determine in his or her discretion that the matter be referred back to the individual(s) selected to conduct the inquiry or that new individual(s) be appointed to reopen the inquiry.

(j) Consistent with the procedures prescribed herein, the Senior Administrator and/or the individual(s) selected to conduct the inquiry shall have at any time the authority to supplement and clarify applicable procedures, provided that adequate notice is given to the individuals affected by such actions.

IV. PROCEDURES FOR FORMAL INVESTIGATIONS

(a) If, after evaluation of the report submitted pursuant to the informal inquiry process prescribed in Part II, the Senior Administrator determines in his or her discretion that a complaint does not warrant further review, the Senior Administrator shall dismiss the complaint. If, after evaluation of the report submitted pursuant to the informal inquiry process prescribed in Part II, the Senior Administrator determines in his or her discretion that a complaint does warrant further review, the Senior Administrator shall initiate a formal investigation ("investigation") within thirty (30) days of the completion of the informal inquiry process. At this time, the Senior Administrator shall inform the accused that an investigation is being initiated. In addition, the Senior Administrator shall decide in his or her discretion whether interim administrative action is appropriate. When a planned investigation concerns PHSA funded research, the Office of Research Integrity will be notified by the authorized Institutional Official, on or before the date that an investigation has been initiated.

(b) The investigation shall be conducted by an ad hoc committee ("committee") selected by the Senior Administrator. The individual(s) selected to conduct the investigation must be objective, impartial, and qualified to evaluate the complaint, and no member of the committee may have been involved in the informal inquiry process prescribed in Part II. The University will take every reasonable precaution to prevent real or apparent conflicts of interest between the person(s) conducting the investigation and the subject(s) of the investigation. Thus, as part of the selection process, the University will investigate any potential sources of real or apparent conflict between the nominee(s) and the accused. Moreover, the Senior Administrator shall notify the accused of the names of the individual(s) selected to conduct the investigation. If the accused elects to do so, he or she shall, in writing and within five (5) days of his or her receipt of the names of the individuals selected to conduct the investigation, raise such objections to the Senior Administrator. If the objections are found to have merit by the Senior Administrator, those individual(s) to whom the objections pertain will be barred from any participation in the investigation.
(c) The committee shall conduct the investigation as soon as possible. The committee shall provide a full and fair opportunity for the accused to be informed of and defend against the allegations of the complaint. In any event, the committee shall afford the accused an opportunity to respond to the allegations of the complaint, both orally and in writing, and to provide information for consideration by the committee.

(d) The committee shall create a detailed record of the investigation and prepare a written report with full documentation of such investigation including, but not limited to, review of grant or contract files, reports, scholarly publications, manuscripts, and other documents including research data and proposals, publications, correspondence, and memoranda of telephone conversations; inspection of laboratory or clinical facilities and materials; and, whenever reasonably possible, interviewing of parties with an involvement in or knowledge of the matter. With regard to any interviews conducted, complete summaries or transcripts of these interviews may, in the discretion of the committee, be prepared, provided to the interviewed individual for comment or revision, and included as part of the investigation.

(e) If the allegations in the complaint are not substantiated by the investigation, the reasons for this conclusion must be adequately documented. If the allegations in the complaint are substantiated by the investigation, the reasons for this conclusion must be adequately documented, and the committee shall recommend to the Senior Administrator appropriate administrative and disciplinary action against the accused which may include, but not be limited to, the following:

(i) In cases involving PHSA funded research, notification to the Office of Research Integrity of the findings of the investigation and appropriate restitution of funds as may be required.

(ii) Withdrawal of all pending abstracts and publications emanating from the scientific misconduct in question and notification to the editors of journals in which previous abstracts and papers have appeared.

(iii) Notification to other institutions and sponsoring agencies with which the individual has been affiliated if there is reason to believe that the validity of previous research may be questionable.

(iv) Appropriate action under Part Eleven of the University Statutes, where such action is justified by the seriousness of the substantiated scientific misconduct.

(f) The accused shall be given a copy of the report of the investigation and afforded an
opportunity to comment on the report to the committee. If the accused elects to comment on the report, he or she shall, in writing and within seven (7) days of his or her receipt of the report, notify the committee of his or her intention to do so. If the accused elects to comment on the report, his or her comments shall be made a part of the record.

(g) A complete record of the investigation together with the report of such investigation shall be maintained and forwarded to the Senior Administrator by the committee.

(h) If, after evaluation of the report submitted by the committee, the Senior Administrator determines in his or her discretion that the accused has not engaged in scientific misconduct, then the Senior Administrator shall dismiss the complaint. If, after evaluation of the report submitted by the committee, the Senior Administrator determines in his or her discretion that the accused has engaged in scientific misconduct, then the Senior Administrator shall determine the appropriate administrative and disciplinary action to be taken against the accused.

(i) The investigation process should be completed in its entirety within ninety (90) days after the appointment of the committee. However, if the investigation process takes longer to complete, the record of such investigation shall include documentation of the reasons for such failure. For PHSA funded research, ORI regulations require that the entire investigation process be completed within one hundred twenty (120) days after the initiation of such investigation. This includes conducting the investigation, preparing the report of findings, making the report available for comment by the accused, determining any administrative and disciplinary action to be taken against the accused, determining an appeal by the accused as prescribed in Part IV, and submitting the report to ORI. Extensions of such time may be requested as permitted by the ORI. In any event, specific ORI requirements, with regard to extensions, timing provisions, or otherwise, will be followed by the committee and communicated to the accused. Wherever ORI is not involved, the committee may extend the time period in their discretion by notice of such fact to the accused, and the accused may request an extension of such time in writing directed to the committee, and the committee may extend such period in their discretion by notice of such fact to the accused.

If, for any reason, the University plans to terminate an investigation involving PHSA funded research without completing all the above requirements, a report of such planned termination, including a description of the reasons for such termination shall be made to the ORI.

(j) Throughout the investigation process and to the extent reasonably possible, all reasonable steps will be taken to preserve and protect the reputation and rights of both the accused and the complainant. To the extent reasonably possible, the investigation process will be kept confidential and will not be disclosed except as is necessary to facilitate a complete and comprehensive investigation, or as is required under Part V. If the alleged scientific misconduct is not substantiated by the investigation, every reasonable effort will be made by the Senior Administrator to restore the reputation and integrity of the accused. Furthermore, if it is determined that the allegations in the complaint were made in bad faith, appropriate action against the complainant should be taken by the Senior Administrator.
(k) If new evidence is brought to the attention of the Senior Administrator after the completion of the investigation process, the Senior Administrator may determine in his or her discretion that the matter be referred back to the committee or that a new committee be appointed to reopen the investigation.

(l) Consistent with the procedures prescribed herein, the Senior Administrator and/or the committee shall have at any time the authority to supplement and clarify applicable procedures, provided that adequate notice is given to the individuals affected by such actions.

V. APPEALS

(a) The accused may appeal all or any part of the decision of the Senior Administrator with respect to the administrative and disciplinary action to be taken against the accused as prescribed in Part III. The accused shall serve upon the Provost a petition, in writing, for an appeal within ten (10) days after the accused receives notice of the decision of the Senior Administrator. The petition must state and be limited to procedural errors committed during the investigation process prescribed in Part III. No additional or new evidence may be introduced into the record on appeal.

(b) The Provost, in his or her discretion, shall have the power to affirm, reverse, or modify the decision of the Senior Administrator. The Provost shall base his or her decision upon the petition, the record of the formal investigation conducted by the committee, and the committee's report of the formal investigation. The Provost's decision shall be final.

VI. REPORTING REQUIREMENTS

As noted in Part II and Part III, during informal inquiries and formal investigations, confidentiality will be maintained to the extent reasonably possible. However, when mandated by governmental regulations or contractual requirements, the appropriate agencies or individuals will be informed in conformity therewith, and copies of the complete record of the inquiry and investigation and the report of the inquiry and investigation, may, in whole or in part, be provided to such agencies or individuals. Furthermore, if there is a reasonable indication of (1) possible criminal violation; (2) immediate health hazard; (3) need to protect funds or equipment; (4) immediate need to protect the interests of the complainant, accused, or other involved or affected individuals, including the scientific community or the public; or (5) probable public reporting of the matter, the Senior Administrator may, in his or her discretion, authorize immediate notification of the appropriate agencies or individuals.

VII. CONCLUSION

The integrity of the University should never be in question. Thus, the University and the scientific community within it must do everything possible to prevent all forms of scientific misconduct. It is for these reasons that these standards and procedures have been established. These standards and procedures are designed to help facilitate the handling of alleged scientific misconduct and, above all, to promote and maintain high ethical standards in research and to protect the integrity of scientific research and of the University.