6.9 POLICY AND PROCEDURES FOR ALLEGATIONS OF RESEARCH MISCONDUCT

6.9.1 INTRODUCTION
Claremont McKenna College is committed to ensuring integrity in the conduct of all research by its faculty, students, and staff. The following policy applies to all research activities, funded or not, conducted under the auspices of CMC. The policy applies to all persons employed by, affiliated with, or under the control of the College such as faculty members, staff, students, post-doctoral fellows, researchers, collaborators, consultants, technicians, and those utilizing the College’s Institutional Review Board procedures for research projects regardless of whether they are employed by, under the control of, or formally affiliated with CMC.

In order to ensure the highest levels of professional conduct in all of its research activities, CMC will use the following policy to inquire into, investigate, and adjudicate fairly all instances of alleged misconduct and comply in a timely fashion with all government agency requirements for reporting on cases of possible misconduct when sponsored research project funds are involved. Any significant variations from this policy may be permitted only with the express approval of the Vice President for Academic Affairs and must only be done when the best interests of the College and/or the federal agency warrant.

6.9.2 DEFINITIONS

Research misconduct includes, but is not limited to:
Abuse of Confidentiality, which includes the expropriation or abuse of ideas and preliminary data obtained during the process of editorial or peer review of work submitted to journals or in proposals for funding by agency panels or by internal committees at the College such as the Research Committee. It also covers the expropriation and/or inappropriate dissemination of personally-identifying human subject data. It does not include honest error or differences in interpretations or judgments of data, or of regulatory and other standards.

Allegation means any written or oral statement or other indication of possible misconduct made to a college official.

Complainant means the individual(s) who submits an allegation of misconduct and/or retaliation.

Conflict of interest means the real or apparent interference of one individual’s interests with the interests of another individual or of the College, where potential bias may occur due to prior or existing personal or professional relationships.

Deciding Official means the College official who makes final determinations on allegations of misconduct and any responsive College actions. At the College, the Deciding Official is the Vice President for Academic Affairs.

Fabrication, falsification or misrepresentation of data, including (a) reporting experiments, measurements, statistical analyses, or other studies never performed; (b) manipulating or altering data or other manifestations of the research to achieve a desired result; (c) falsifying or misrepresenting background information, including biographical data, citation of publications, or status of manuscripts; and (d) selective reporting, including the deliberate suppression of conflicting or unwanted data.
**Good faith allegation** means an allegation made with the honest belief that misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for, or willful ignorance of, facts that would disprove the allegation.

**Inquiry** means gathering information and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

**Investigation** means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible individual and the seriousness of the misconduct.

**ORI** means the Office of Research Integrity, the office within the U.S. Department of Health and Human Services (“DHHS”) that is responsible for the misconduct and research integrity activities of the U.S. Public Health Service.

**Plagiarism**, which is the taking and use of another’s work as one’s own.

**Research Integrity Officer** means the College official responsible for assessing allegations of misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations. The Research Integrity Officer is an Associate Dean of the Faculty.

**Research record** means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; and consent forms.

**Respondent** means the individual against whom an allegation of misconduct is directed or the individual whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

**Retaliation** means any action that adversely affects the employment or other College status of an individual, that is taken by the College or an employee of the College, because the individual has made a good faith allegation of misconduct or of inadequate College response thereto or has cooperated in good faith with an Inquiry or an investigation of such allegation.

**6.9.3 RESPONSIBILITIES**

If any individual believes in good faith that an individual subject to this policy is involved in misconduct, he or she should meet with or write the Associate Dean of the Faculty in his or her capacity as Research Integrity Officer to share the complaint about alleged misconduct. If the Associate Dean determines there is sufficient cause to begin an initial inquiry, the Associate Dean must inform the person alleging misconduct that, as Research Integrity Officer, he or she must submit an allegation to inquiry even if the complainant chooses not to do so. Any person who is not comfortable bringing a complaint to the Associate Dean may bring it to the Director or Associate Director of the Office of Research. All individuals subject to this policy have an obligation to cooperate
with the Research Integrity Officer in inquiries and investigations. Individuals should be afforded confidential treatment to the extent possible. Respondents may consult with legal counsel and others to seek advice and may have them present for meetings or interviews as observers but not as participants.

6.9.4 PROCEDURES FOR HANDLING ALLEGATIONS

6.9.4.1 Inquiry Phase
Once an allegation of misconduct has been submitted to the Research Integrity Officer, he or she will appoint a three person Research Standards Inquiry Committee to determine whether there are sufficient grounds to conduct a subsequent Investigation. The Research Standards Inquiry Committee members should be free of any real or apparent conflicts of interest and must make every effort to be objective and fair. The Committee will receive a written charge from the Research Integrity Officer describing the allegations and indicating that the role of the Committee is not to determine that misconduct has occurred, but to determine whether there is sufficient evidence to indicate that an investigation is warranted. The Committee will normally interview the complainant, the respondent, and witnesses as well as examine any data or materials pertinent to the allegation. The Committee may employ whatever outside assistance, legal or otherwise it deems appropriate to the Inquiry. The inquiry should be completed within 60 days unless circumstances warrant a longer period. Upon completing its inquiry, the Committee will prepare a written report identifying the evidence reviewed, summarizing the various interviews conducted, and stating the conclusion of the Inquiry as to further action. The respondent shall be given a copy of the report and shall have ten days to comment upon it in writing. Any comments by the respondent shall become part of the record.

Within thirty days of the completion of the inquiry, the Research Integrity Officer shall transmit the inquiry report to the deciding official, normally the Vice President for Academic Affairs. The deciding official will determine whether there is sufficient evidence of possible misconduct to justify an investigation. The Research Integrity Officer will notify the complainant and respondent in writing of the determination. If applicable, the Research Integrity Officer will notify the Director of the Office of Research Integrity (ORI) of the Department of Health and Human Services in writing of the pending Investigation.

6.9.4.2 Investigation Phase
The deciding official will appoint a Research Standards Investigation Committee of five full-time tenured faculty members who should be free of any real or apparent conflicts of interest and must make every effort to be objective and fair. The Committee will receive the inquiry report; interview the complainant, respondent, and witnesses; and employ whatever outside expert assistance as appropriate including legal and expert opinions. The Research Integrity Officer will define the issues in a written charge to the Committee and will convene the first meeting of the Committee which will then select its own chair. The Committee is to evaluate the evidence and testimony it receives and determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to determine who was responsible, and its seriousness. To the extent possible all proceedings will be confidential and the meetings of the Committee will be closed.

The Committee will file a written report of its findings with the Research Integrity Officer. The report will describe the procedures under which the Committee conducted its investigation, who provided information, a detailed description of the testimony and
evidence obtained, and how the testimony and evidence support the Committee’s findings. A finding of misconduct requires that it be based on a preponderance of the evidence, that there was a significant departure from accepted research practices of the relevant research community or discipline, and that the misconduct was committed intentionally, knowingly, or recklessly. It will also include the actual text or an accurate summary of any statements by any individual/s found to have committed misconduct.

The report will include an advisory recommendation for actions to redress the misconduct. The Research Integrity Officer will provide a copy of the draft report to the respondent who will have ten working days to make any written comments which will be attached to the final Investigation report. The final report will be transmitted to the deciding official. The Research Integrity Officer will also notify all appropriate College officials, sponsoring agencies, and ORI as applicable. Investigations should normally be completed within 120 days of the first meeting of the Research Standards Investigation Committee. If the Investigation is to take more than 120 days, the Committee should write an interim report and request an extension from the deciding official.

6.9.4.3 Determination Phase
The deciding official will review the report and ordinarily make a determination within 30 days. The deciding official determines whether misconduct occurred and what actions are to be taken as a result, including any sanctions. Such sanctions may include but are not limited to withdrawal of all pending or published abstracts and papers emanating from the research where misconduct was found, removal of the responsible person from the project involved, restitution of funds, a letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, and steps leading to possible reduction in rank, or termination for cause, provided such steps are consistent with the procedures established in the Faculty Handbook.

Where no misconduct was found to have occurred, the Research Integrity Officer will notify all appropriate parties after consultation with the respondent to restore the reputation of the respondent. If it is determined by the deciding official that the Complainant brought forward unsubstantiated allegations of misconduct under malicious or dishonest circumstances, appropriate disciplinary actions may be initiated against the complainant.

6.9.5 APPEAL
The respondent may appeal any determination by the deciding official to the President of the College within 30 days. Such appeals must be based solely on a failure to follow procedures. In cases where new evidence is brought to the attention of the President, the President may decide whether the matter should be referred back to the original Research Standards Investigation Committee.

(The above policy is required by Federal law)