

Seattle Pacific University
Responsible Conduct in Research
Policy and Procedures

Introduction

Seattle Pacific University (SPU) is committed to the pursuit of truth through research, scholarship, and creative activity. Actions that undermine academic integrity jeopardize that pursuit by impeding the advancement of knowledge, compromising the position of collaborators and other researchers, harming members of the general public, damaging the University's reputation, and violating the expectations of Christian community. Safeguarding the integrity of research and creative activities is fundamental to the mission of SPU.

In addition, SPU has explicit obligations to federal agencies to safeguard research integrity. In seeking funds from these agencies, the University is required to establish and abide by uniform policies and procedures for investigating and reporting instances of alleged or apparent misconduct involving research and related activities. To meet these needs, SPU has developed the following policies and procedures in order both to discharge its regulatory obligations and, more importantly, to preserve the integrity of research and creative activities conducted under its auspices.

This policy was developed in the Office of Academic Affairs (OAA) of Seattle Pacific University and endorsed by the Faculty Affairs Committee (FAC). This policy brings the University into compliance with Public Health Service (PHS) regulations (42 CFR Part 93) concerning policies and procedures for institutional response to allegations of research misconduct, the NSF Grant Policy Manual, Section 930 and 45 CFR 689, and it also aligns with the Federal Policy on Research Misconduct, published in the December 6, 2000, edition of the Federal Register, 65 Fed. Reg. 76,260. The policy is accessible publicly on the website of SPU Faculty Life Office. Furthermore, a copy of this policy will be given to all faculty applying for federal funding.

In dealing with allegations of research misconduct, the University will ensure fairness by providing procedures for timely and thorough investigation, by protecting the rights of all parties, and by distinguishing serious breaches of integrity from honest error, simple carelessness, or technical violations of rules.

Policy

The University expects that all scholars associated with the University conduct their scholarly and creative activities with honesty and integrity. SPU accepts responsibility for promoting practices that discourage misconduct in research and creative activity and for developing policies to address allegations of such misconduct.

The following policy and procedures apply to any allegations of misconduct in research and creative activity by any faculty member at SPU. Except as noted below, it also applies to any

person employed by, under the control of, or affiliated by contract or agreement with SPU, who is working on a federally funded grant, such as students, technicians, guest researchers, or others collaborating with such persons at SPU. Faculty members serving as the Principal Investigators on federally-funded grants are responsible for educating students, staff, and collaborators about the Responsible Conduct of Research (RCR) policy. RCR training is required for all undergraduate and graduate students and postdoctoral researchers supported by PHS (Public Health Service, which includes NIH) and National Science Foundation (NSF) funds. Certificates must be on file at CSFD. Individual instances of misconduct in research and creative activity on the part of students not using federal research funds will be handled with existing academic policies as outlined in the Student Handbook rather than by reference to these policies. These policies also do not apply to faculty at other institutions that collaborate with SPU faculty on research and creative projects where such other institutions have their own set of policies and procedures for dealing with misconduct in research and creative activities.

This statement of policy and procedures does not apply to authorship or collaboration disputes and applies only to allegations of misconduct in research and creative activity that occurred within six years of the date the institution received the allegation. The six-year limitation does not apply 1) if the respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the citation, republication or other use for the potential benefit of the respondent of the research record that is alleged to have been fabricated, falsified, or plagiarized; or 2) the institution determines that the alleged misconduct, if it occurred, might have a substantial adverse effect on the health or safety of the public.

Definitions

Misconduct means fabrication, falsification, plagiarism, or any other practice that seriously deviates from practices commonly accepted in the discipline or in the academic community for proposing, conducting, or reporting research and creative activities. Serious or continuing non-compliance with government regulations pertaining to research may constitute misconduct. 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 so 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. Misconduct does not include honest error or differences of opinion. For the purposes of this policy, *misconduct* will refer to work both in research and creative activities.

Research means formal investigation conducted for the purpose of producing or contributing to knowledge, and the reporting thereof, by 1) a faculty member or other employee of the University as part of his or her non-instructional scholarly activities, or 2) a student in fulfillment of any independent study or assistantship, whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).

Creative Activity means the preparation or creation of computer programs, motion pictures, sound recordings, and literary, pictorial, musical, dramatic, audiovisual, choreographic,

sculptural, architectural, and graphic works of any kind by 1) a faculty member or other employee of the University as part of her or his non-instructional scholarly activities, or 2) a student in fulfillment of any independent study or assistantship, whose product is intended to be an original scholarly or creative work of potentially publishable quality (including, without being limited to, a master's or doctoral thesis).

The Provost is the institutional representative who makes final determinations on allegations of misconduct and any institutional administrative actions.

The *Research Integrity Officer* (RIO) is the college official to whom allegations of misconduct should be reported. The RIO is the Director of the Faculty Life Office and has primary responsibility for the implementation of the procedures set out in this document. In cases involving funding from federal, state, or private sources, the RIO will be responsible for all reporting requirements as specified by the funding agency.

The *Complainant* is a person who has alleged misconduct on the part of a covered individual. The *Respondent* is the person against whom an allegation of misconduct has been directed.

Responsibility to Report Misconduct

All institutional members will report observed, suspected, or apparent misconduct in research or creative activity to the RIO. Should an individual be unsure whether an incident falls within the definition of misconduct, he or she may discuss the incident informally and confidentially with the RIO. If the complainant decides to make a formal allegation, the RIO will institute a preliminary inquiry. Even if the individual decides not to make a formal allegation, the RIO may initiate an inquiry if in his or her own judgment sufficient cause exists to warrant one.

Coordination with Other Institutional Officials

Any possible research misconduct discovered during either a noncompliance investigation by either the SPU Institutional Review Board or the SPU Animal Research Board should be reported to the RIO as an allegation of misconduct. The misconduct investigation will be performed independently of IRB/ARB procedures (i.e., the IRB/ARB will conduct the noncompliance investigation and the RIO will conduct the research misconduct investigation).

Confidentiality

The RIO must 1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and 2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. The RIO should use written confidentiality agreements or other mechanisms to ensure that those with access to identity, records, or evidence do not make disclose identifying information.

Protection of Rights

The RIO has the responsibility to ensure that complainants, witnesses, and committee members are not retaliated against and will review any instance of alleged retaliation. The University will make diligent efforts to protect the privacy, reputations, and positions of those who in good faith report apparent misconduct to the maximum extent consistent with the procedures described below.

Individuals against whom allegations of misconduct are made will be afforded confidential treatment to the maximum extent possible, a prompt and thorough inquiry and investigation if warranted, and an opportunity to comment on allegations and findings of any inquiry and investigation. When allegations are not confirmed, the University will make diligent efforts to protect the reputation of the respondent to the maximum extent consistent with the procedures described below.

Interim Administrative Actions

Throughout the misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, internal and external funds and equipment, or the integrity of the research process. In the event of such a threat, the RIO will, in consultation with other institutional officials, take appropriate interim action to protect against any such threat. For federally funded research, the HHS Office of Research Integrity (ORI), Office of Inspector General (OIG-NSF), or other relevant government agencies will also be consulted. Interim action might include additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results, or delaying publication.

For federally funded research, the RIO must, at any time during a research misconduct proceeding, notify ORI, OIG-NSF or other appropriate federal offices immediately if he or she has reason to believe 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;
- Health and Human Services resources or interests are threatened;
- Research activities should be suspended;
- There is a 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 misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved;
- The research community or public should be informed.

Preliminary Assessment

When an allegation is made, the RIO will immediately assess the situation and determine whether there is sufficient evidence to warrant an inquiry. Some concerns reported to the RIO may be more appropriate for adjudication according to the Faculty or Student Handbook. If the

circumstances do not meet the definition of misconduct in research or creative activity, the RIO will make appropriate referrals for resolving the problem.

The assessment period should be brief, preferably concluded within a week. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence may be identified. Should the RIO determine that the allegation is not sufficiently credible and specific, or does not fall within the definition of misconduct given in this policy, he or she shall report that to the DO. For accusations of misconduct with respect to all federally funded research, should the DO determine that the allegations warrant further investigation, the RIO will immediately initiate an *inquiry*. For all other cases, should the DO determine that the allegations warrant further investigation, the University will move to the *investigation* stage described below.

Conducting the Inquiry (Required for Cases Involving Federally Funded Research)

The purpose of the inquiry is not to reach a final determination about whether misconduct in research or creative activity occurred but to make preliminary evaluation of the evidence and the testimony of key witnesses to determine whether a formal investigation is warranted. An inquiry does not require a full review of all the evidence related to the allegation.

1. Appointment of Inquiry Committee

The RIO will appoint an Inquiry Committee of three persons and designate one of the three as chairperson within 15 days of receiving the allegation. The Inquiry Committee must consist of individuals who do not have personal, professional, or financial conflicts of interest with those involved in the inquiry. The Inquiry Committee shall be tenured faculty members if the person suspected of misconduct is a faculty member. If the respondent is not a faculty member, the committee will include at least one tenured faculty member. Committee members shall have appropriate backgrounds for judging the issues at stake. They shall secure whatever outside expertise is necessary and appropriate to evaluate the relevant evidence.

2. Notification of Respondent

When an inquiry is initiated, the RIO must make a good faith effort to notify the respondent in writing of the allegation and the process that will follow, if the respondent is known. The RIO will also inform the respondent of the committee membership, and the respondent may submit written objections to any member of the Inquiry Committee on the basis of conflict of interest within 5 days. The RIO will determine whether to replace the challenged member.

3. Sequestration of Research Records

On or before the date on which the respondent is notified, or the inquiry begins,

whichever is earlier, the RIO must obtain custody of, inventory, and sequester all research records and evidence needed to conduct the research misconduct proceeding.

4. Protection of Research Funds

The RIO will take appropriate actions to protect federal funds appropriated for the project and will ensure that the purposes of the financial award are being carried out.

5. Charge to the Committee

The RIO will prepare a statement describing the allegations for the Inquiry Committee. This statement shall be given to the committee members and the respondent before the first meeting of the committee. The committee shall meet within 15 days after it is appointed. At the committee's first meeting, the RIO will review the charge, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry. The RIO will be present or available throughout the inquiry to advise the committee as needed.

6. Inquiry Process

The committee may determine its own procedures as appropriate for the situation. Although it is expected that the inquiry will be more comprehensive than the preliminary assessment, the members of the Inquiry Committee are not obligated to conduct any interviews or hearings on the allegation of misconduct or to engage in an exhaustive review of all evidence. Normally, however, the committee will interview the complainant, respondent, and key witnesses, and any interviews conducted must be recorded or transcribed.

All university personnel shall cooperate fully with the committee during the course of the inquiry by supplying any requested documents and information. The anonymity of the complainant shall be preserved at this stage of the inquiry if possible. All individuals appearing before the Inquiry Committee are entitled to be accompanied by an advisor from within the college community.

The committee will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether to recommend that an investigation be conducted. The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct, or conducting exhaustive interviews and analyses. An investigation is warranted if the committee determines 1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 CFR Part 93.102(b); and 2) the allegation may have substance, based on the committee's review. If a legally sufficient admission of research misconduct is made by

the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved.

7. Time for Completion

The inquiry, including preparation of the final inquiry report and decision on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day limit.

8. The Inquiry Report

The written report of the Inquiry Committee must include: 1) the name and position of the respondent; 2) the names and titles of committee members and experts who conducted the inquiry; 3) a description of the allegations of misconduct; 4) the basis for recommending or not recommending that the allegations warrant an investigation; 5) if applicable, information regarding PHS, NSF or other federal support, including grant numbers, grant applications, contracts and publications listing such support; and 6) whether the committee recommends that an investigation take place and whether any other action should be taken if an investigation is not recommended.

9. Notification to Respondent and Opportunity to Comment

The RIO shall provide the respondent with a copy of the draft inquiry report, a copy of 42 CFR Part 93 (if applicable), and the institution's policies and procedures on responsible conduct in research. The respondent shall have 10 days to submit written comments on the report. Any comments that are submitted by the respondent must be attached to the final inquiry report. Based on the comments, the Inquiry Committee may revise the draft report as appropriate and prepare it in final form. In distributing the draft report to the respondent, the RIO will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the RIO may require that the respondent sign a confidentiality agreement.

10. Institutional Decision and Notification

The RIO will transmit the final inquiry report and any response to the Provost who will determine whether an investigation is warranted. An investigation is warranted if the Provost determines 1) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria of 42 CFR 93.102(b); and 2) the allegation may have substance, based on the Provost's review of the criteria in this policy. The respondent and complainant will be notified of the determination in writing within 10 days of the receipt by Provost of the report. The inquiry is completed when the Provost makes this determination.

Within 30 calendar days of the Provost's decision that an investigation is warranted, the RIO will provide the ORI, OIG-NSF, or other appropriate agencies with the Provost's written decision and a copy of the inquiry report. The RIO will also notify those institutional officials who need to know of the Provost's decision. The RIO must provide the following information to ORI or OIG-NSF upon request: 1) the institutional policies and procedures under which the inquiry was conducted; 2) the research records and evidence reviewed, transcripts or recording of any interviews, copies of all relevant documents; and 3) the charges to be considered in the investigation.

11. Documentation of Inquiry

Whether or not an investigation is judged to be warranted, SPU must keep the inquiry report in a secure manner for 7 years and the report must be shared with officials of granting agencies as required.

Conducting the Investigation

1. Appointment of Committee

Should the Provost determine that a formal investigation is needed, the RIO will appoint an Investigation Committee of three persons and designate one of the three as chair within 15 calendar days of the Provost's decision. The Investigation Committee must consist of 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 appropriate expertise to evaluate the evidence. The Investigation Committee may include professionals from inside or outside the college community. Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee. If the person suspected of misconduct is a faculty member, the Investigation Committee will include at least one tenured SPU faculty member.

2. Notification of Respondent

On or before the date on which the investigation begins, the RIO must notify the respondent in writing of the allegations to be investigated. The RIO 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. The RIO must also notify the respondent of the members of the Investigation Committee. The respondent may object in writing to any member on the basis of conflict of interest within 5 days of this notification. The RIO will decide whether to replace such a challenged member.

3. Sequestration of Research Records

The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research

records and evidence needed to conduct the research misconduct proceedings that were not previously sequestered during the inquiry.

4. Charge to the Committee

The RIO will give a written charge to the committee that 1) describes the allegations and related issues identified in the inquiry; 2) identifies the respondent; 3) defines misconduct in research or creative activity; 4) informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, misconduct occurred and, if so, the type and extent of it and who was responsible; 5) informs the committee of the conditions under which misconduct in research or creative activity is determined (see below); and 6) informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and, if applicable, 42 CFR Part 93.313.

5. Finding of Misconduct in Research or Creative Activity

In order to determine that the respondent committed misconduct in research or creative activity, the Investigation Committee must find that a preponderance of the evidence establishes that 1) the respondent's conduct constitutes misconduct; and that 2) the misconduct had a material or significant impact on the research or creative activity in question.

In other words, to find adversely to the respondent, the committee must conclude that, based on all the evidence before the committee, it is more likely than not that misconduct occurred.

The institution has the burden of proof for making a finding of misconduct in research or creative activity. The destruction, absence of, or failure to provide research records adequately documenting the questioned research may constitute "misconduct" in itself and may be considered as evidence of underlying misconduct.

6. Investigation Committee Process

The Investigation Committee must meet within 15 days after it is appointed. The committee will be given the report of the Inquiry Committee together with all evidence generated by that committee. The Investigation Committee will determine its own procedures consistent with those described below. Where the alleged misconduct involves federally funded research or creative activities, the Investigation Committee will be given the document "Model Procedures for Responding to Allegations of Scientific Misconduct" from the ORI Handbook for Research Integrity to help it define its procedures. The RIO will be present or available throughout the investigation to advise the committee as needed. The respondent may consult with legal counsel to seek advice, but legal counsel may not be present at interviews or meetings. A non-lawyer personal advisor (who is not a principal or witness in the case) may be present.

The Investigation Committee and the RIO must

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation. The investigation will normally involve the examination of all documentation including, but not limited to, research records, computer files, proposals, manuscripts, publications, correspondence, and notes of telephone calls.
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent;
- In cases involving federal funds, record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

7. Protection of Research Funds

In the case of externally funded research, the RIO will take appropriate administrative actions to protect federal or other funds appropriated for the project and will ensure that the purposes of the financial award are being carried out.

8. Broadening of Scope

In the course of its work, the Investigation Committee may discover additional information that justifies broadening the scope of the allegation beyond the initial allegation. The committee is responsible to pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct. The committee will inform in writing both the Provost and the respondent when it intends to broaden the scope of an investigation.

9. The Draft Report

The Investigation Committee and the RIO are responsible for preparing a written draft report that describes the nature of the allegation of misconduct in research or creative activity, including identification of the respondent; describes and documents any grant support, including PHS support; and explains the procedures used to conduct the investigation, including the evidence collected.

For each allegation of misconduct in research or creative activity, the draft report must include a statement of findings that 1) identifies whether the misconduct was

falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; 2) summarizes the facts and the analysis that support the conclusion and considers the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; 3) identify, where applicable, the external support received for the research; 4) identify whether any publications need correction or retraction; 5) identify the person(s) responsible for the misconduct; and 6) list any current support or known applications or proposal for support that the respondent has pending with federal agencies.

10. Comments on the Draft Report and Access to Evidence

The RIO must furnish the respondent with a copy of the draft investigation report for comment, and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The respondent will be allowed 30 days for such response. The respondent's comments must be included and considered in the final report. In distributing the draft report to the respondent, the RIO will inform the respondent of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the RIO may require that the respondent sign a confidentiality agreement.

11. Final Report and Decision

The RIO will assist the Investigation Committee in finalizing the draft investigation report, including ensuring that the respondent's comments are included and considered, and transmit the final investigation report to the Provost who will determine in writing: 1) whether the institution accepts the findings of the investigation report; and 2) the appropriate institutional actions in response to the accepted findings of misconduct in research or creative activity. If this determination varies from the findings of the Investigation Committee, the Provost will, as part of his or her written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the Provost may return the report to the Investigating Committee with a request for further fact-finding or analysis.

Unless there are circumstances that reasonably warrant a longer investigation, the final decision must be made no later than 120 days after the investigation begins. With respect to federally funded grants, the RIO must submit to ORI or OIG-NSF a written request for an extension beyond the 120-day period, setting forth the reasons for the delay. The RIO will then ensure that periodic progress reports are filed, if ORI or OIG-NSF grants the request for an extension and directs the filing of such reports. Any reason for extending the investigation beyond the initial 120 day time frame should be clearly documented, as appropriate.

12. Appeals

If the respondent alleges that the investigation has been conducted in a manner contrary to the policies and procedures outlined above, the respondent may appeal. In the case of a faculty member, the appeal will be heard by a three-person appeals committee empanelled by the Faculty Affairs Committee. In the case of a student, the appeal will be heard by either the Student Judicial Affairs Committee or through the standard Academic Appeals process. An appeal may only be made on the grounds of failure to comply with policies and procedures. It is not the intention of this provision to require new evidence or to allow for the reversal of scientific judgments. The appeal must be completed within 120 days of its filing.

13. Notice of Institutional Findings and Actions

When a final decision has been reached, the RIO must notify both the respondent and the complainant in writing.

When applicable, the RIO must, within the 120-day period for completion of any appeal, submit the following to ORI or OIG-NSF: 1) a copy of the final investigation report with all attachments, 2) a statement of whether the institution accepts the findings of the investigation report, 3) a statement of whether the institution found misconduct and, if so, who committed the misconduct, and 4) a description of any pending or completed administrative action against the respondent.

When applicable, the RIO will forward to ORI or OIG-NSF a copy of the evidentiary record, the investigative report, recommendations made to the institution's adjudicating official, and the subject's written response to the recommendations (if any). The report should contain an explanation of the methods and procedures employed as well as a full explanation of the findings, recommendations, and conclusions of the investigation. The RIO will also forward the Provost's decision and basis and notify the ORI or OIG-NSF of any corrective actions taken or planned. If, as a result of the investigation's findings, the institution takes action against anyone, it should provide the name and title of the person(s) who imposed the action and copies of documents detailing how the action was implemented.

14. Maintaining Records

Whether or not the investigation results in a finding of misconduct, the Provost must keep the investigation report together with the evidence collected in a secure manner for a period of seven years; these will be shared with the head of the relevant granting agencies as required. When relevant, the Provost is responsible for providing any information, documentation, research records, evidence or clarification requested by ORI or OIG-NSF to carry out its review of an allegation of research misconduct or of the institution's handling of such an allegation.

Resolution of Absence of Misconduct

All research sponsors and others initially informed of the investigation must be informed in writing that allegations of misconduct were not supported. If the Provost determines that the allegations were not made in good faith, appropriate actions should be taken against the complainant. If the allegations, however incorrect, are deemed to have been made in good faith, no disciplinary measures are indicated and efforts should be made to prevent retaliatory actions and to protect, to the maximum extent possible, the positions and reputations of the persons who made the allegations as well as those against whom the allegations of misconduct were made. Following a final finding of no misconduct, including ORI concurrence where required by 42 CFR Part 93, the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. SPU will publicize a finding of no misconduct only with permission of the innocently accused.

Resolution of Presence of Misconduct

When an investigation confirms misconduct, the Provost will be responsible for determining an appropriate action. Seattle Pacific University will take action appropriate for the seriousness of the misconduct which may include but need not be limited to: withdrawal or correction of all pending or published abstracts and papers emanating from the research where misconduct was found; removal from a particular project; special monitoring of future work; letter of reprimand; probation for a specified period with conditions; financial restitution; suspension (of a student respondent) and termination (of a faculty or staff respondent).

The Provost will determine whether law enforcement agencies, professional societies, professional licensing boards, professional societies, editors of journals in which fraudulent research may have been published, co-authors, co-investigators, collaborators, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

Completion of Inquiry or Investigation

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. If the respondent, without admitting to the misconduct, elects to resign his or her position after the institution receives an allegation of misconduct in research or scholarly activity, the Provost will determine whether the inquiry or investigation should proceed.

For federally-funded research, the termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution's responsibilities under 42 CFR Part 93. If the respondent refuses to participate in the process after resignation, the RIO and any Inquiry or Investigation Committee will use their best efforts to reach a conclusion concerning the allegation, noting in the report the respondent's failure to cooperate and its effect on the evidence.

When applicable, the RIO must notify the ORI or OIG-NSF in advance if there are plans to close a case at the inquiry, investigation or appeal stage on the basis that the respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: 1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or 2) a finding of no misconduct at the investigation state, which must be reported to ORI or OIG-NSF, as prescribed in this policy and 42 CFR Part 93.315.

Other External Proceedings

A case of alleged misconduct in research or scholarly activity may involve the possible violation of the policies of other institutions, and of external laws and regulations, and may occasion other external adjudicatory proceedings. The following shall govern the handling and sequencing of such proceedings.

1. **Other Institution's Review.** Another educational or research institution may have the right to review the same allegation of misconduct against the same respondent. In such an event, the RIO shall consult her or his counterpart at the other institution to determine whether the University or the other institution is best able to review the allegation of misconduct. If the RIO determines that the other institution is best able to review the allegation of misconduct, the RIO will so advise the Provost, who has authority to stay or terminate the University's review of the allegation of misconduct based on the review conducted at the other institution. The University and the other institution may also agree to conduct a joint review of the allegation of misconduct.
2. **Research Collaborator.** In the event of an allegation of misconduct involving research or creative activities undertaken by a respondent in collaboration with a colleague at another educational or research institution, the RIO will advise his or her counterpart at the other institution confidentially of the allegation of misconduct, and ask if a similar allegation has been made against the collaborator. If it has, the University, through the RIO, shall attempt to cooperate and share information confidentially with the other institution in their respective reviews of the allegation of misconduct and of the related allegation involving the collaborator. The University and the other institution may also agree to conduct a joint review of the allegation of misconduct and the related allegation involving the collaborator.

Sources

This policy is based on the "Sample Policy and Procedures for Responding to Allegations of Research Misconduct," provided by the Office of Research Integrity, US Department of Health and Human Services, along with input from the research misconduct policies of Calvin College, Michigan State University, and Seattle University.

October 8, 2009

Reviewed and revised October 2019