

FLORIDA STATE UNIVERSITY

POLICY 7A-2

MISCONDUCT IN RESEARCH AND CREATIVE ACTIVITY

Responsible Executive: Gary K. Ostrander, Vice President for Research

Approving Official: Gary K. Ostrander, Vice President for Research

Effective Date: May 14, 1991

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I. Policy

In fostering academic freedom, it is the policy of Florida State University to uphold the highest standards of integrity in research and creative activity, and to protect the right of its employees to engage in research and creative activity. Researchers are expected to adhere to the standards of research in their area of endeavor, and to encourage adherence to those standards by their colleagues and by those under their supervision. Particularly unacceptable are fabrication or falsification of data in scientific research, and plagiarism in any research or creative endeavor. Deviations which are believed to constitute misconduct are to be reported to an appropriate University official. Misconduct does not include honest error or honest difference in interpretations or judgment of data.

Florida State University is committed to adhering to and enforcing applicable federal, state and local laws and to following procedures required by funding agencies from which contract and grant funds are secured. Researchers are to be aware of any special provisions regarding standards of research and of procedures required by funding agencies for resolving allegations of misconduct in research. Application for funding from an agency shall indicate that the researcher agrees to the procedures required by that agency should it be necessary to investigate an allegation of misconduct in research.

Reporting Allegations of Misconduct in Research and Creative Activity

A suspected instance of misconduct in research and creative activity is to be reported to an appropriate University official. Normally this report will be to the departmental chair or the dean of the college (or comparable administrator if the person involved is not under a dean; henceforth this will be understood when the term “dean” is used). Any University official, including departmental chairs, who receives such a report shall communicate the report to the dean of the college in which the alleged misconduct occurred. The dean of the college is responsible for immediately informing the departmental chair (if the report is from another source), the Vice

President for Faculty Development and Advancement, and the Vice President for Research. The dean is also responsible for promptly initiating an inquiry into any suspected or alleged instance of misconduct to determine whether an investigation is warranted. However, it should be noted that if the allegation involves sponsored research funding, some funding agencies assume the responsibility for any inquiry and/or investigation conducted.

Inquiry and Investigation

The inquiry will be conducted by a three-person committee appointed by the dean. The inquiry will determine whether there is reasonable cause to conduct a full investigation. Upon initiating an inquiry the dean will notify the affected faculty or staff member in writing that an allegation has been made against him or her and that the dean's office is conducting an inquiry to determine whether there is reasonable cause to initiate an investigation.

It will be the task of the committee of inquiry to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations.

If the committee of inquiry recommends that no further action should be taken, no record of the allegation or inquiry is to remain in the accused faculty member's evaluation file.

If a full investigation is recommended by the committee of inquiry, the dean will appoint a three person faculty committee to conduct the investigation. The dean may appoint a larger committee or may appoint members from outside the University if that is deemed warranted by the circumstances of the case. The affected faculty or staff member will be given written notification of the allegations and will be accorded due process in the investigation. Both the University and the affected faculty or staff member will have an opportunity to present evidence, call witnesses, and have questions put to witnesses. A record of the proceeding will be available to the affected faculty or staff member at cost. The affected faculty or staff member may have counsel or a representative present during the proceedings. At the conclusion of the investigation, the committee shall provide documented recommendations to the dean regarding whether they think misconduct has occurred. The affected faculty or staff member will have an opportunity to provide the dean with a written statement regarding the recommendations.

The dean, in consultation with the Vice President for Faculty Development and Advancement and the Vice President for Research, will decide either to take action appropriate to his authority or to recommend a course of action to the Provost/Vice President for Academic Affairs and the Vice President for Research. The dean can render a judgment that: (1) misconduct has not occurred, (2) misconduct has occurred and the appropriate penalty is within his or her authority, or (3) misconduct has occurred but an appropriate penalty is not within the dean's authority.

The dean may act upon the first two judgments. The third will be under the joint authority of the Provost/Vice President for Academic Affairs and the Vice President for Research.

If the affected faculty or staff member is judged not to have engaged in misconduct, this will be communicated to all appropriate individuals in order to restore the reputation of anyone alleged to have engaged in misconduct when allegations are not confirmed. If the affected faculty or staff member is judged to have engaged in misconduct, this fact should be communicated to the faculty member along with the proposed penalty.

A faculty or staff member, at this point, depending on his or her standing and the severity of the proposed penalty will have available one or more avenues of appeal from which to choose as delineated in the BOT-UFF Collective Bargaining Agreement, the FSU Constitution, and any other applicable authority.

Those appointed to inquiry or investigatory committees should be free of any conflict of interest and committees should have sufficient expertise to be able to assess the charges before them.

University procedures of inquiry and investigation are not to breach pledges of confidentiality or anonymity provided to human subjects of research.

Those accused of misconduct shall be afforded confidential treatment to the maximum extent possible.

Protection of Those Reporting Misconduct

The University will protect employees who make good faith reports of misconduct in research or creative activity from job-related disciplinary reprisals and will make diligent efforts to protect their reputation. Confidentiality will be maintained to the extent compatible with law and due process. Once an allegation is made it shall be the responsibility of the University to pursue the matter. Those accused of misconduct in research or creative activity will be informed regarding the person or persons who made the allegation about their work, unless such knowledge is irrelevant to the evaluation of the allegation. This information will be provided with the notification that an inquiry is to take place.

Promptness of Procedure

Each stage should be completed as quickly as is compatible with a fair and effective process for assessing the allegations. If the allegation involves research funded by certain agencies, a specific timetable will need to be followed.

Requirement of Notification and Interim Actions

Should it be necessary to provide information to external agencies or organizations, the Vice President for Research will be the University official responsible for those notifications. In some instances regulations will require interim actions. The Vice President for Research in consultation with the dean conducting the procedure of inquiry and investigation will initiate those interim actions. Those conducting an inquiry or investigation will provide necessary

information to the Vice President for Research to allow him to comply with externally mandated actions or reports.

It is the policy of FSU to take legally allowed measures to set the record straight if misconduct is established.

Dissemination of Information Regarding Integrity in Research and Creative Activity

The Vice President for Research shall maintain a website accessible by all faculty, staff, and students, containing all relevant University policy statements, generally applicable federal, state and local requirements, and links to specific requirements of the major funding agencies regarding integrity in research and creative activity.

Addressing Allegations of Misconduct in Research funded by Extramural Funding Agencies

Most extramural funding agencies have specific requirements related to handling research misconduct allegations. When extramural funds are involved, local guidelines and procedures will also comply with conditions of the award, including applicable regulations issued by the sponsor of the research. Such regulations include, but are not limited to, the *Responsibilities of PHS Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science* and the National Science Foundation regulations on *Misconduct in Science and Engineering Research*. These regulations require specific reports to the funding agency. The Vice President for Research will advise funding agencies as required by federal regulations and agency policy. In some cases, the funding agency may be required to conduct the inquiry and/or investigation itself, or collaborate with FSU in those activities.

The University will take interim administrative actions, as appropriate, to protect Federal funds and ensure the purposes of the Federal financial assistance are carried out.

III. Legal Support, Justification, and Review of this Policy

[Federal Research Misconduct Policy](#)

45 CFR [Part 689](#), National Science Foundation Research Misconduct

42 CFR [Part 50, Subpart F](#) and [Part 93](#), Public Health Service Policies on Research Misconduct

Fla. Stat. 1004.22

These policies will be reviewed periodically and updated when changes are necessary.

Gary K. Ostrander, Vice President for Research

April 1, 2015