

Whitworth College

Policy on Integrity in Research

And Procedures for Allegations of Misconduct in Research

I. INTRODUCTION

A. GENERAL POLICY

Creation and dissemination of knowledge are primary missions of any educational institution. Whitworth College recognizes that its faculty and staff are entitled to full freedom in research and to full freedom in the publication of the results of those research endeavors. Along with this freedom comes the responsibility to maintain integrity and the obligation to maintain the highest standards of professional ethics. Membership in the academic community imposes on faculty, staff, and students the commitment to foster and to defend intellectual honesty in research and scholarship. Guided by a deep conviction of the worth and dignity of the advancement of knowledge, faculty members recognize that their primary responsibility to their subject is to seek and to state the truth. Therefore, the development and improvement of scholarly competence is a high priority; the obligation to exercise critical self-discipline and judgement in using, extending, and transmitting knowledge is accepted, and intellectual honesty is practiced.

B. ETHICAL CONDUCT STATEMENT

The creation and dissemination of knowledge are primary missions of the college. Each faculty member is expected to be a scholar, a teacher, an academic advisor, and an example of Christian commitment and spirituality. Accordingly, the college must foster an environment in which research and scholarship flourishes, providing faculty members who are dedicated to a reverent search for truth, who accept by faith the revelation of God in Jesus Christ, who by His help attempt to live and teach in His spirit. Such an environment requires the integrity of faculty, students and staff who conduct research and scholarship. Students doing research or scholarly activities are expected to uphold the same standards of academic integrity as the faculty and staff. Furthermore, faculty, investigators, and other supervisors need to ensure the integrity of research and scholarship conducted under their direction. Whitworth College does not condone misconduct in research and scholarship.

C. SCOPE

This policy and the associated procedures apply to all individuals engaged in academic research at Whitworth College. The policy and the associated procedures are derived from the Office of Research Integrity's Model Policy for Responding to Allegations of Academic Research Misconduct and as such are particularly appropriate for scientific research supported by, or for which support is requested from the National Science Foundation, the Public Health Service (PHS) or any other Federal agency. The Office of Research Integrity (ORI) is an independent entity within the U.S. Department of Health and Human Services reporting directly to the Secretary of Health and Human Services. ORI is responsible for protecting the integrity of PHS extramural and intramural research programs.¹

II. DEFINITIONS

A. *Misconduct in academic research* is defined in 42 CFR 50.102 as:

1. The fabrication or falsification of data, plagiarism or other serious deviations from ethical principles in proposing, implementing or reporting research or scholarship; or
2. Failure to comply with federal, state or college requirements for (i) protecting researchers, human subjects and the public during research and/or (ii) ensuring the welfare of animals used in research; or

¹ 42 CFR Part 50, Subpart A. *Responsibility of PHS Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science.*

3. Failure to fully credit student research assistants or other scholars who have made significant contributions to a faculty member's published or unpublished work; or
4. Falsely crediting authors who have made no contribution to the idea, execution, analysis or reporting of the results or interpretations of scholarship or research; or
5. Use of research funds, facilities, or staff for unauthorized or illegal activities; or
6. Adverse distortion of normal academic programs or the direction of students to expressly benefit scholarship or research, particularly those activities involving contracts or collaborations; or
7. Undisclosed conflicts of interest as defined by the College Policy for Significant Financial Interest Disclosure; and
8. Academic research misconduct does not include honest error or honest differences in interpretations or judgments of data.

B. *Allegation* means a written or oral statement or other indication of possible academic research misconduct made to an institutional official.

C. *Complainant* means a person who makes an allegation of academic research misconduct or inadequate institutional response thereto or who cooperates with an investigation of such allegation. There can be more than one complainant in any inquiry or investigation

D. *Conflict of interest* means the real or apparent interference of one person's interest with another, where potential bias may occur due to prior or existing personal or professional relationships.

E. *Deciding Official* means the institutional official who makes final determinations on allegations of academic research misconduct and on any responsive institutional actions. At Whitworth College the Deciding Official is the Academic Vice President and Dean of the Faculty. The Deciding Official can have no direct prior involvement in the college's inquiry, investigation, or allegation assessment.

F. *Good faith allegation* means an allegation of academic research misconduct made by a complainant who honestly believes that academic research misconduct may have occurred. A good faith allegation need not be objectively made nor be subsequently verified to be made in good faith. However, a complainant who recklessly disregards evidence available to him or her that disproves an allegation has not made the allegation in good faith.

G. *Inquiry* means information gathering and initial fact finding to determine whether an allegation or apparent instance of academic research misconduct warrants an investigation. (42 CFR 50.102)

H. *Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to identify the responsible person and the seriousness of the misconduct. (42 CFR 50.102)

I. *Research Integrity Officer* means the college official responsible for assessing allegations of academic research misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and making recommendations. At Whitworth College, the RIO is the Associate Dean of Academic Affairs.

J. *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 scientific 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; x-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

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

L. *Retaliation* means any deliberate response by Whitworth College, or an employee of Whitworth College, that adversely affects the employment or other institutional status of a respondent to whom an allegation of misconduct has been directed, but not proven; or of a complainant who, in good faith, has made an allegation of academic research misconduct or of inadequate institutional response thereto, or who has cooperated in good faith with an investigation of such allegation.

III. RIGHTS AND RESPONSIBILITIES

A. OVERSIGHT AND ADMINISTRATIVE RESPONSIBILITY

The College assumes responsibility for resolving allegations and investigating misconduct in research and scholarship by its faculty, staff, and students. All records related to a case shall be treated as confidential insofar as is permitted by the law of the State of Washington, and no materials growing out of a case shall be placed in the respondent's personnel file prior to the final disposition of the matter.

B. RESEARCH INTEGRITY OFFICER

The Research Integrity Officer shall be the Associate Dean of Academic Affairs (hereinafter referred to as the Associate Dean), and as such is appointed by the Vice President for Academic Affairs. As Associate Dean, The Research Integrity Officer (RIO) is well qualified to handle the procedural requirements involved and is sensitive to the varied demands made on those who conduct research, those who are accused of misconduct, and those who report apparent misconduct in good faith.

The Research Integrity Officer will appoint the inquiry and investigation committees and ensure that necessary and appropriate expertise is secured to carry out a thorough and authoritative evaluation of the relevant evidence in an inquiry or investigation. The Associate Dean will attempt to ensure that confidentiality is maintained.

The Associate Dean will assist the inquiry and investigation committees and all college personnel in complying with these procedures and with applicable standards imposed by government or external funding sources. The Associate Dean is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

When federal funds are involved, the Associate Dean will direct the Academic Grant Writer to report to the Office of Research Integrity (ORI) and/or the funding agency as required by regulation, and keep ORI and/or the funding agency apprised of any developments during the course of the inquiry or investigation that may affect current or potential funding or that need to be known to ensure appropriate use of Federal funds and otherwise protect the public interest. [42 CFR 50.103(d)(13)].

C. COMPLAINANT

The Complainant shall have an opportunity to testify before the inquiry and/or investigation committee, to review portions of the inquiry and/or investigation reports pertinent to that testimony, to be informed of the results of the inquiry and/or investigation, and to be protected from retaliation.

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperation with an inquiry or investigation.

Allegations of academic research misconduct made in bad faith, having no basis in fact or put forth merely to discredit the respondent, will themselves constitute academic research misconduct,

which will be subject to formal review by the Research Integrity Officer as well as the Vice President wherein the faculty or staff member holds an institutional appointment.

D. RESPONDENT

The respondent shall be informed in writing of the allegations when an inquiry is opened, shall be provided with a copy of this policy and notified in writing of the final determinations and resulting actions as soon as possible following the conclusion of all formal actions. The respondent shall also have the opportunity to be interviewed by and to present witnesses and evidence for the inquiry and to the investigation committee, to be present at an inquiry and/or investigative hearing, to review the draft inquiry and investigation reports, and to have the assistance of counsel. Further, the respondent may write out questions to be asked of witnesses during an inquiry.

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry or investigation. If the respondent is not found guilty of scientific misconduct, he or she has the right to receive college assistance in restoring his or her reputation. [42 CFR 50.103(d)(13)].

E. DECIDING OFFICIAL

The Vice President for Academic Affairs and Dean of the Faculty (hereinafter referred to as the Vice President) will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant. The Deciding Official will consult with the Research Integrity Officer or other appropriate officials and will determine whether to conduct an investigation, whether misconduct occurred, whether to impose sanctions, or whether to take other appropriate administrative actions [see section X, Institutional Administrative Actions].

IV. GENERAL POLICIES AND PRINCIPLES

A. REPORTING OF ALLEGED SCIENTIFIC AND SCHOLARLY MISCONDUCT

All employees, students, or individuals associated with Whitworth College have the obligation and duty to report observed, suspected, or apparent misconduct in science and research to the Associate Dean (RIO). If an individual is unsure whether a suspected incident falls within the definition of scientific misconduct, he or she may call the Associate Dean to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of scientific misconduct, the Associate Dean will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, an employee or student may have confidential discussions and consultations about concerns of possible misconduct with the Associate Dean and will be counseled about the appropriate procedures for reporting allegations.

B. CAUTIONS

The gathering and assessing of information in cases of alleged scientific misconduct can be extremely difficult. It is essential to protect the professional reputations of those involved, as well as the interests of the public and of any who might be harmed by the alleged misconduct. In the course of conducting inquiries or investigations, the following provisions are applicable:

- Expert assistance should be sought as necessary to conduct a thorough and authoritative evaluation of all evidence.
- Precautions should be taken to avoid real or apparent conflicts of interest on the part of those involved in the inquiry or investigation.

The anonymity of accused individuals and, if they wish it, the confidentiality of those who in good faith reported the alleged misconduct, should be protected as much as possible, and care should be taken to protect their positions and reputations. Except as required in the reporting provisions above, only those directly involved in an inquiry or investigation should be aware that the process is being conducted or have any access to information obtained during its course. Where appropriate

efforts should be made to restore the reputations of those accused when allegations are not confirmed.

C. PROTECTION OF COMPLAINANTS

The Associate Dean will monitor the treatment of individuals who bring allegations of misconduct or inadequate institutional response thereto, or who cooperate in inquiries or investigations. The Associate Dean will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at Whitworth College and will review instances of alleged retaliation for appropriate action.

Employees should immediately report any alleged or apparent retaliation to the Research Integrity Officer.

Whitworth College will protect the privacy of those who report misconduct in good faith to the maximum extent possible. For example, if the complainant requests anonymity, the college will make an effort to honor the request during the allegation assessment or inquiry within applicable policies and regulations and state and local laws, if any [42 CFR 50.103(d)(2)]. The complainant will be advised that if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity may no longer be guaranteed. The college is required to undertake diligent efforts to protect the positions and reputations of those persons who in good faith make allegations. [42 CFR 50.103(d)(13)].

D. PROTECTION OF RESPONDENTS

Inquiries and investigations at Whitworth College will be conducted in a manner that will ensure fair treatment to the respondent(s) in the inquiry or investigation and confidentiality to the extent possible without compromising public health and safety or thoroughly carrying out the inquiry or investigation [42 CFR 50.103(d)(3)].

College employees accused of research misconduct may consult with legal counsel or a non-lawyer personal advisor (who is not a principal or witness in the case to seek advice and may bring the counsel or personal advisor to interviews or meetings. Outside counsel may advise the respondent(s), but may not actively participate in the inquiry or investigation.

E. COOPERATION WITH INQUIRIES AND INVESTIGATIONS

College employees will cooperate with the Research Integrity officer and other college officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the Research Integrity Officer or other institutional officials on misconduct allegations.

F. PRELIMINARY ASSESSMENT OF ALLEGATIONS

Upon receiving an allegation of scientific misconduct, the Associate Dean will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether federal funds are involved, and whether the allegation falls under the definition of misconduct in academic or scientific research as defined in 42 CFR 50.102, and in section II of this document.

V. CONDUCTING THE INQUIRY

A. INITIATION AND PURPOSE OF THE INQUIRY

Following the preliminary assessment, if the Associate Dean determines that the allegation provides sufficient information to allow specific follow-up, involves federal funds, or falls under the definition of academic or scientific misconduct, he or she will immediately initiate the inquiry process.

In initiating the inquiry, the Associate Dean should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry phase is to make a preliminary

evaluation of the available evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible research misconduct to warrant an investigation. The purpose of the inquiry is not to reach a final conclusion about whether misconduct definitely occurred or who was responsible. The findings of the inquiry must be set forth in an inquiry report.

B. SEQUESTRATION OF THE RESEARCH RECORDS

After determining that an allegation falls within the definition of academic research misconduct, the Associate Dean must ensure that all relevant research records and materials are immediately secured. If federal funds are involved the Associate Dean may consult with ORI or other authorities for advice and assistance in this regard. Any such actions taken prior to a final determination should be devised and taken so as to create minimal interference with the regular research activities of the respondent and other involved parties.

C. APPOINTMENT OF THE INQUIRY COMMITTEE

The Associate Dean, or his/her designee(s) will chair and convene an inquiry committee composed of three or more faculty members. When possible, at least two faculty members will be familiar with the questioned research or scholarship, have no real or apparent conflicts of interest in the case, and have the necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. The committee is authorized to add and use experts from inside or outside the college when deemed necessary to evaluate specific allegations.

The Associate Dean will notify the respondent of the proposed committee membership within 10 days. If the respondent submits a written objection to any appointed member of the inquiry committee or expert based on bias or conflict of interest within 5 days, the Associate Dean will determine whether to replace the challenged member or expert with a qualified substitute.

D. CHARGE TO THE COMMITTEE AND THE FIRST MEETING

The Associate Dean will prepare a charge for the inquiry committee that describes the allegations and any related issues identified during the allegation assessment and states that the purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible scientific misconduct to warrant an investigation. The purpose is not to determine whether scientific misconduct definitely occurred or who was responsible. To protect the anonymity of the complainant and respondent, consultation with the committee must be in strict confidence to the extent permitted by law.

At the committee's first meeting, the Associate Dean will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, and answer any questions raised by the committee. The Associate Dean and institutional counsel will be present or available throughout the inquiry to advise the committee as needed.

E. INQUIRY PROCESS

The inquiry committee will normally interview the complainant and key witnesses as well as examining relevant research records and materials. The committee will evaluate the evidence and testimony obtained during the inquiry phase. After consultation with the Associate Dean and institutional counsel, the committee members will decide whether there is sufficient evidence of possible scientific misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

VI. THE INQUIRY REPORT

A. ELEMENTS OF THE INQUIRY REPORT

A written inquiry report must be prepared that states the name and title of the committee members and experts, if any; the allegations; the federal support if any, a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted or not; and the committee's determination as to whether an investigation is recommended and whether any other actions should be taken if an investigation is not recommended.

B. COMMENTS ON THE DRAFT REPORT BY THE RESPONDENT AND THE COMPLAINANT

The Associate Dean will provide the respondent with a copy of the draft inquiry report for comment and rebuttal and will provide the complainant, if he or she is identifiable, with portions of the draft inquiry report that address the complainant's role and opinions in the investigations.

1. Confidentiality

The Associate Dean may establish reasonable conditions for review to protect the confidentiality of the draft report.

2. Receipt of Comments

Within 14 calendar days of receipt of the draft report, the complainant and respondent will provide their comments, if any, to the inquiry committee. Any comments that the complainant or respondent submits on the draft report will become part of the final inquiry report and record. Based on the comments, the inquiry committee may revise the report as appropriate. [42 CFR 50.103(d)(1)]

C. INQUIRY DECISION AND NOTIFICATION

1. Decision by Deciding Official

The Associate Dean will transmit the final report and any comments to the Vice President who will make the determination of whether findings from the inquiry provide sufficient evidence of possible scientific misconduct to justify conducting an investigation. The inquiry is completed when the Vice President makes this determination which must be made within 60 days of the first meeting of the inquiry committee. Any extension of this period will be based on good cause and recorded in the inquiry file.

2. The Associate Dean will notify both the respondent and the complainant in writing of the Vice President's decision of whether to proceed to an investigation and will remind them of their obligation to cooperate in the event an investigation is opened. The Associate Dean will also notify all appropriate institutional officials of the Vice President's decision.

D. TIME LIMIT FOR COMPLETING THE INQUIRY REPORT

The inquiry committee will normally complete the inquiry and submit its report in writing to the Associate Dean no more than 60 calendar days following its first meeting, [42 CFR 50.103(d)(1)] unless the Associate Dean approves an extension for good cause. If the Associate Dean approves an extension, the reason for the extension will be entered into the records of the case and the report. [42 CFR 50.1.0(d)(1)] The respondent and complainant will be notified of the extension.

VII. CONDUCTING THE INVESTIGATION

A. PURPOSE OF THE INVESTIGATION

The purpose of the investigation is to explore in detail the allegations, to examine the evidence in depth and to determine specifically whether misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope beyond the initial allegations. This is particularly important where the alleged misconduct involves clinical trials or potential harm to human subjects or the general public or if it affects research that forms the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an investigation report.

B. EVIDENTIARY STANDARD

The standard of proof which applies to the Inquiries into Allegations of Misconduct in Research and Scholarship is defined as *preponderance of the evidence*.

C. SEQUESTRATION OF THE RESEARCH RECORDS

The Associate Dean will immediately sequester any additional pertinent research records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation has begun. The need for additional sequestration of records may occur for any number of reasons, including the college'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.

D. APPOINTMENT OF THE INVESTIGATION COMMITTEE

The Associate Dean, in consultation with other institutional officials as appropriate, will appoint an investigation committee and the committee chair within 10 days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. The investigation committee should consist of at least three individuals who do not have real or apparent conflicts of interest in the case, are unbiased, and have the necessary expertise to evaluate the evidence and issues related to the allegations, interview the principals and key witnesses, and conduct the investigations. At least one faculty member will have an academic appointment outside the college of the affected individual(s). [42 CFR 50.103(d)(8)]

E. CHARGE TO THE COMMITTEE AND THE FIRST MEETING

The Associate Dean will define the subject matter of the investigation in a written charge to the committee that describes the allegations and related issues identified during the inquiry, defines scientific misconduct, and identifies the name of the respondent. The charge will state that the committee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to determine whether, based on a preponderance of the evidence, scientific misconduct occurred and, if so, to what extent, who was responsible, and its seriousness.

During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the committee will notify the Associate Dean, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

F. INVESTIGATION PROCESS

The investigation committee will be appointed and the process initiated within 30 days of the completion of the inquiry, if the Vice President determines that findings from that inquiry provide a sufficient basis for conducting an investigation [42 CFR 50.103(d)(7)]

The investigation will normally involve examination of all documentation including, but not necessarily limited to, relevant research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and notes of telephone calls. [42 CFR 50.103(d)(7)] Whenever possible, the committee should interview the complainant(s), the respondents(s), and other individuals who might have information regarding aspects of the allegations. [42 CFR 50.103(d)(7)] Interviews should be tape recorded. In compliance with the laws of the State of Washington, written consent must be obtained from each individual in order to tape record. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. [42 CFR 50.103(d)(7)]

VIII. THE INVESTIGATION REPORT

A. ELEMENTS OF THE INVESTIGATION REPORT

If it is necessary to submit the final report to ORI, the report must describe the policies and procedures under which the investigation was conducted, describe how and from whom information relevant to the investigation was obtained, state the findings, and explain the basis for findings. The report will include the actual text or an accurate summary of the views of any individual(s) found to have engaged in misconduct as well as a description of any sanctions imposed and administrative actions taken by the college. [42 CFR 50.104(a)(4); 42 CFR 50.103(d)(15)]

B. COMMENTS ON THE DRAFT REPORT

1. Respondent

The Associate Dean will provide the respondent with a copy of the draft investigation report for comment and rebuttal. The respondent will be allowed 10 days to review and comment on the draft report. The findings of the final report should take into account the respondent's comments in addition to all the other evidence.

2. Complainant

The Associate Dean will provide the complainant, if he or she is identifiable, with those portions of the draft investigation report that address the complainant's role and opinions in the investigation. The report should be modified, as appropriate, based on the complainant's comments.

3. Institutional Counsel

The draft investigation report will be transmitted to the institutional counsel for a review of its legal sufficiency. Comments should be incorporated into the report as appropriate.

4. Confidentiality

In distributing the draft report, or portions thereof, to the respondent and complainant, the Associate Dean will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality.

C. INSTITUTIONAL REVIEW AND DECISION

Based on a preponderance of the evidence, the Vice President will make the final determination whether to accept the investigation report, its findings, and the recommended institutional actions. If this determination varies from that of the investigation committee, the Vice President will explain in detail the basis for rendering a decision different from that of the investigation committee in the college's letter transmitting the report to ORI, if required. The Vice President's explanation should be consistent with the PHS definition of scientific misconduct, the college's policies and procedures, and the evidence reviewed and analyzed by the investigation committee. The Vice President may also return the report to the investigation committee with a request for further fact-finding or analysis. The Vice President's determination, together with the

investigation committee's report, constitutes the final investigation report for purposes of ORI review.

When a final decision on the case has been reached, the Associate Dean will notify both the respondent and the complainant in writing. In addition, the Vice President will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Associate Dean is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

D. TIME LIMIT FOR COMPLETING THE INVESTIGATION REPORT

An investigation should ordinarily be completed within 120 days of its initiation, [42 CFR 50.104(a)(2)] with the initiation being defined as the first meeting of the investigation committee. This includes conducting the investigation, preparing the report of finding, making the draft report available to the subject of the investigation for comment, submitting the report to the Vice President for approval, and submitting the report to the ORI if required. [42 CFR 50.104(a)(2)]

IX. REQUIREMENT FOR REPORTING TO ORI AND OTHER AGENCIES

A. REPORTING INITIATION OF AN INVESTIGATION

Notification to External Agencies

Whitworth College will comply with the requirements and regulations of its funding agencies. The Vice President shall instruct the Academic Grant Writer to make notification to the research sponsor upon conclusion of the final report where necessary. However, if required by urgent circumstances, interim disclosure may be made. [42 CFR 50.104(a)(1)].

In the case of PHS funding, the college will provide yearly assurances of compliance as required as well as aggregated information on allegations, inquiries and investigations. Further, in accord with Public Health Service and National Science Foundation regulations, in cases involving research funded by those agencies, the agency will be informed in the following situations.

- ❑ Outcome of an Inquiry – only if the outcome includes the recommendation for a full investigation
- ❑ Commencement of an Investigation – provide on or before the commencement of the investigation and include all the required information – consult NSF and PHS policies. For PHS funding, the college's decision to initiate an investigation must be reported in writing to the Director, ORI, on or before the date the investigation begins. [42 CFR 50.104(a)(1)]. The Associate Dean will direct the Academic Grant Writer to file the report. The notification will include the name of the person(s) against whom the allegations have been made, the general nature of the allegation as it relates to the PHS definition of scientific misconduct, and the PHS applications or grant number involved. [42 CFR 50.104(a)(1)] ORI must also be notified of the final outcome of the investigation and must be provided with a copy of the investigation report. [42 CFR 50.103(d)(15)] Any significant variations from the provisions of the collegial policies and procedures should be explained in any reports submitted to ORI.
- ❑ Written request for a time extension – if investigation and determination of discipline will take more than 120 days for PHS and 90 days for completion of inquiry with completion of investigation, and submittal of final report, within 180 days. [42 CFR 50.104.(a)(3)]
- ❑ Interim reports – PHS must be apprised during an investigation of facts that may affect current or potential PHS funding of the individual(s) under investigation or to ensure proper use of federal funds or protection of the public interest. NSF requires interim reports if the seriousness of the apparent misconduct warrants.
- ❑ Early termination – PHS must be notified of any decision to terminate an inquiry or investigation prior to the completion of all relevant requirements. This notice must include the reasons for such action. PHS retains the right to investigate the matter further on its own. [42 CFR 50.104(a)(3)]

- ❑ Final Outcome – PHS and NSF will be notified of the final outcome of an investigation involving their funded project(s), and provided with a complete copy of the final report.
- ❑ Special Emergency Notifications – PHS must be informed at any stage if any of the following are discovered:
 - ❑ An immediate health hazard [42CFR 50.104(b)(1)]
 - ❑ An immediate need to protect federal or college funds or equipment [42 CFR 50.104(b)(2)]
 - ❑ An immediate need to protect those making an allegation [42 CFR 50.104(b)(3)]
 - ❑ A likelihood that an alleged incident is going to be reported publicly [42 CFR 50.104.(b)(4)]
 - ❑ A reasonable indication of possible criminal activity. (within 24 hours) [42 CFR 50.104(b)(5)]

B. ADMISSION OF SCIENTIFIC MISCONDUCT WHEN PHS FUNDS ARE INVOLVED

When PHS funding or applications for funding are involved and an admission of scientific misconduct is made, the Associate Dean will contact ORI for consultation and advice. The individual making the admission will be asked to sign a statement attesting to the occurrence and extent of misconduct. When the case involves PHS funds, Whitworth College cannot accept an admission of scientific misconduct as a basis for closing a case or not undertaking an investigation without prior approval from ORI. [42 CFR 50.104(a)(3)]

C. NOTIFICATION OF OTHER INVOLVED INDIVIDUALS OR PARTIES

When a final decision on the case has been reached by the Vice President, the Associate Dean will notify both the respondent and the complainant in writing. In addition, the Associate Dean will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other concerned parties, should be notified if the outcome of the case. The Associate Dean is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies

X. INSTITUTIONAL ADMINISTRATIVE ACTIONS

Whitworth College will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated. If the Vice President determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the Research Integrity Officer. The Vice President shall make this determination within established college policies for faculty, students, and staff. [CFR 42 CFR 50.103(d)(14)]

Both PHS and NSF have the right to impose additional sanctions, beyond those applied by the college, if they deem such action appropriate in situations involving funding from their respective agencies. Possible actions can be found in the CFR Title 45 – Public Welfare, Chapter VI, National Science Foundation, Part 689, Misconduct in Science and Engineering, Section 689.2 Actions and in Title 42 – Public Health, Chapter I, Public Health Service, DHHS, Part 50, Policies of General Applicability.

XI. OTHER CONSIDERATIONS

A. TERMINATION OF INSTITUTIONAL EMPLOYMENT OR RESIGNATION PRIOR TO COMPLETING INQUIRY OR INVESTIGATION

Termination or resignation will not preclude or terminate the academic research misconduct procedures. If the respondent refuses to participate in the process after resignation, the committee will use its best efforts to reach a conclusion concerning the allegations, noting in its report the respondent's failure to cooperate and the resulting effect on its review of all the evidence.

B. RESTORATION OF THE RESPONDENT'S REPUTATION

If Whitworth College finds no misconduct and ORI concludes if PHS funds are involved, after consulting with the respondent, the Associate Dean will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the Associate Dean should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in forums in which the allegation of scientific misconduct was previously publicized, or expunging all reference to the scientific misconduct allegation from the respondent's personnel file. Any college actions to restore the respondent's reputation must first be approved by the Vice President.

C. PROTECTION OF THE COMPLAINANT AND OTHERS [42 CFR 50.103(d)(14)]

Regardless of whether the college, or ORI if they are involved, determines that scientific misconduct occurred, the Associate Dean will undertake reasonable efforts to protect the complainant(s) who made allegations of scientific misconduct in good faith and others who cooperated in good faith with the inquiries and investigations of such allegations. Upon completion of an investigation, the Vice President will determine, after consulting with the complainant(s) what steps, if any, are needed to restore the position or reputation of the complainant. The Associate Dean will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant(s).

D. ALLEGATIONS NOT MADE IN GOOD FAITH

If relevant, the Vice President will determine whether the complainant's allegations of scientific misconduct were made in good faith. If an allegation was not made in good faith, the Vice President will determine whether any administrative action should be taken against the complainant.

E. OTHER MECHANISMS FOR REVIEW

The procedures of this policy do not exclude other mechanisms for the review of alleged misconduct. When allegations involve the misuse of funds, the college's Vice President for Business Affairs or outside auditors may investigate allegations and report the findings to the proper authorities. When alleged illegal activities occur, the college President retains the power to direct investigations, take interim measures to preserve property or resources, and request reports on alleged misconduct. Where an investigation of misconduct under this policy may duplicate other official inquiries the Vice President may elect not to conduct an investigation under this policy when no federal funds are involved. Where federal funds are involved, if a termination of an inquiry or investigation is planned for any reason without completing all relevant requirements under this policy, a report of such planned termination, including a description of the reasons for such termination, shall be made to the Office of Research Integrity, U.S. Department of Health and Human Services, which will then decide whether further investigation should be undertaken.

F. INTERIM ADMINISTRATIVE ACTIONS

College officials will take interim administrative actions, as appropriate, to protect Federal funds and ensure that the purposes of the Federal financial assistance are carried out. [42 CFR 50.103(d)(14)]

XII. RECORDS RETENTION

After completion of a case and all ensuing related actions, the Associate Dean will prepare a complete file including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Associate Dean or committees. The Associate Dean will keep the file for three years after completion of the case to permit later assessment of the case if necessary. ORI or other authorized federal authorities will be given access to the records when federal funds are involved. [42 CFR 50.103(d)(10)]