INDIANA STATE UNIVERSITY POLICIES AND PROCEDURES FOR DEALING WITH SCHOLARLY MISCONDUCT

I. Policy Statement

Indiana State University (ISU) faculty are engaged in a vast array of scholarly pursuits that increase our knowledge about our world and ourselves and hold promise for the improvement of human health and well-being. Appropriate scholarly processes, like giving credit to those on whose work we build, and scientific processes, like objective reporting of scientific data, not only assure the integrity of the respective fields, but engender public support for, and lend credibility to, the academic profession as a whole. Although uncommon, violations of accepted standards for performing and reporting of scholarly work inevitably appear, and ISU has a responsibility to not only provide an environment that promotes integrity, but also to establish and enforce procedures that effectively and expeditiously deal with allegations or evidence of scholarly misconduct.

II. General Principles

ISU's processes for resolving allegations of scholarly misconduct are guided by the following overarching principles:

A. ISU will ensure the process to resolve allegations of misconduct does not damage the scholarly endeavor itself.

B. ISU will provide vigorous leadership in the pursuit and resolution of all allegations of misconduct.

C. Both informants and accused scholars will be treated with justice and fairness and with due concern for reputations and vulnerabilities.

D. The procedures for resolving allegations of misconduct will preserve the highest attainable degree of confidentiality compatible with an effective and efficient review.

E. The integrity of the process for reviewing allegations of misconduct will be maintained by avoidance of real or apparent conflicts of interest.

F. The procedures for reviewing allegations of misconduct will be as expeditious as possible, leading to a resolution in a timely manner.

G. Pertinent facts and actions taken will be documented at each stage of the process of reviewing allegations of misconduct.

H. After allegations of misconduct are resolved, ISU will discharge its responsibilities to those involved internally (e.g., informants and accused parties) as well as externally (e.g., sponsors of research, the scholarly literature).

III. Definition & Scope

This policy applies to all ISU faculty members (including part-time and visiting faculty), postdoctoral scholars, staff, and any other employees or persons engaged in scientific or scholarly pursuits at/with ISU. This policy applies regardless of the presence, source, or amount of financial support that might have been garnered to support the scholarship.

This policy does not apply to plagiarism or misconduct by undergraduate or graduate students on class assignments or as part of their degree program (e.g., thesis/dissertation). Misconduct in these cases is most appropriately handled by course instructors, program faculty, and/or the Office of Student Support and Accountability, in accordance with the university's educational mission.

Six forms of misconduct are recognized under this policy. Three are defined by the National Science Foundation and other governmental agencies:

(a) Plagiarism is the appropriation of another's ideas, processes, results, or words without giving appropriate credit.

(b) Fabrication is making up data or results and recording or reporting them.

(c) Falsification is manipulating research materials, equipment or processes, or changing or omitting data or results such that research is not accurately represented in the research record.

Three others are also recognized in this policy:

(d) Violations of Federal, State, or Institutional rules regarding the review and conduct of research (as covered in ISU Policy 360).

(e) Egregious deviations of commonly accepted research practices or ethical guidelines for treatment of research materials, records, and subjects.

(f) Failure to report plagiarism or other research misconduct of which one has knowledge.

While scholarly misconduct may result from one's intentional actions, it may also result from recklessness (e.g., failure to maintain source records, provide adequate supervision of research processes, or failure to report and document use of artificial intelligence).

It is important to distinguish true misconduct from honest errors and ambiguities of interpretation which are inherent in scholarly and scientific processes and normally resolved with further study. Honest errors and differences of opinion do not serve as evidence of misconduct.

It is further important to distinguish scholarly misconduct from other forms of misconduct that are not covered by this policy. This policy does not apply to misrepresentations of one's work on a vita for an academic review, forgery of documents (e.g., letters of support) for a grant, nor the mistreatment of colleagues or assistants. These forms of misconduct should be addressed under other appropriate employment and/or institutional grievance policies.

IV. Responsible Offices

The Provost holds responsibility to assure the integrity of scholarship performed by the ISU community. In collaboration with the faculty and the CRO, the Provost develops and disseminates policies and procedures for preventing scholarly misconduct and dealing with it when it occurs. The provost is also responsible for determining and implementing disciplinary responses to scholarly misconduct.

With oversight of the Chief Research Officer, the Director of Sponsored Programs holds responsibility for implementing the procedures for receiving and adjudicating allegations of scholarly misconduct. If either the Chief Research Officer or Director of Sponsored Programs has a conflict that prevents their performance of duties outlined in this document, the Provost will identify an alternate senior official to carry out the relevant tasks.

V. Regulatory Compliance

ISU will comply with all applicable external research sponsor or regulatory agency rules and regulations relating to the handling of scholarly misconduct allegations. While ISU's procedures for the review of allegations of misconduct are designed to accord with templates provided by federal agencies with authority over research integrity, the procedures herein may be changed as necessary to accommodate specific expectations of these or other external sponsors. The DSP holds responsibility for notifying those involved of other applicable policies.

ISU will cooperate with research sponsors or regulatory agencies throughout the process by providing appropriate notifications of investigations, copies of reports, and access to all evidence and records obtained during a review of scholarly misconduct allegations. ISU will also provide access to informants/witnesses/respondents over which it holds authority.

ISU will cooperate to carry out administrative actions that may be imposed by regulatory authorities or sponsoring agencies if a determination is made that misconduct occurred.

VI. Procedures

The responsibility to pursue an allegation of scholarly misconduct belongs to ISU. Unlike grievances in which the aggrieved party may determine to drop a complaint at any time, the university must review allegations of misconduct to a resolution.

a. Reporting

All members of the ISU community have a duty to report suspected instances of scholarly misconduct. Reports should be directed to the Director of Sponsored Programs. While reports may be made anonymously, informants must provide a basis for their knowledge of the alleged acts. Allegations relying solely on conjecture or hearsay shall not be pursued.

Upon the receipt of allegations of scholarly misconduct, the Director of Sponsored Programs (DSP), in consultation with the Chief Research Officer (CRO), shall determine whether the alleged conduct appears to fall within the scope of this policy. If it is determined that the alleged conduct does not fall within the scope of this policy, the DSP shall inform the individual who made the allegations and should refer them to other possible routes for resolution of concerns (e.g., department chairperson, grievance process, etc.). If it is determined that the alleged conduct falls within the scope of the policy, the DSP shall explain the process to be followed to the informant, including the importance of confidentiality as well as its limits.

b. Importance of Confidentiality

To protect the reputations of innocent individuals, ISU is committed to maintaining as much confidentiality as possible in the process of adjudicating allegations of scholarly misconduct. Information pertaining to allegations of misconduct shall not be disclosed by any parties (including informants and witnesses) prior to their resolution, except as needed to initiate a fair process (i.e., obtain conflict-free committees), gather evidence or other testimony, or meet statutory or contractual reporting obligations (e.g., to a granting agency). The confidentiality of informants, or other witnesses shall similarly be maintained except as necessary to allow corroboration/rebuttal of their testimony or to meet statutory or contractual obligations. Any information obtained during an inquiry or investigation that might identify the subjects of research shall be maintained securely and disclosed only as necessary to carry out the misconduct process.

c. Interim Administrative Actions

ISU may take interim administrative actions as it sees fit to protect the health and safety of research subjects as well as the interests of the respondents' students, colleagues, collaborators, and research sponsors. Actions may include, but are not limited to, restrictions on the activities of the respondent, reassignment of respondents' campus duties, and/or suspension of the respondent (with pay) pending resolution of allegations. If appropriate, a temporary freeze on sponsored work or spending may be instituted. Such actions should only be taken with attention to how they may affect the respondent as well as ongoing projects and research subjects.

d. Sequestration of Records

As soon as practicable on or before the date on which a respondent is notified of an inquiry, the DSP shall take reasonable and practicable steps to obtain custody of all research records and evidence needed to conduct the review of the allegations. Materials shall be inventoried and sequestered in a secure manner. If materials are shared by others, custody may be limited to copies of data or evidence. Additional evidence obtained during an inquiry or investigation shall be similarly sequestered. Where appropriate, the respondent shall be provided copies of, or supervised access to, the records.

e. Duty to Cooperate

All members of the ISU community have a duty to cooperate in misconduct inquiries and investigations if requested as a witness or if they are an accused party (hereafter known as the “respondent”). A failure to provide requested testimony or evidence pertinent to an investigation may result in disciplinary action, and if it reflects an egregious violation of accepted practices (e.g., failure to maintain proper records) may itself be considered evidence of misconduct.

f. Multiple Respondents

In the special case where multiple parties are alleged to have been involved in the same or interconnected acts of misconduct, each party will be treated separately under this policy except that the same inquiry and investigating committees (if appropriate) will conduct the reviews.

g. Right-of-Counsel

Anyone alleged to have engaged in scholarly misconduct has the right to be accompanied by counsel or a non-counsel advisor (who is otherwise not involved in the matter) when interviewed as part of an inquiry or investigation under this policy. The counselor/advisor may provide advice directly to the accused respondent but may not otherwise participate in the proceedings.

h. Inquiry

When allegations are determined to fall within the scope of this policy, the DSP will initiate an inquiry.

1. Purpose: An inquiry is a preliminary review to determine whether an investigation is warranted. It is designed to separate allegations deserving of examination from those that might be frivolous, unjustified, or obviously mistaken.
2. Inquiry Committee: The inquiry will be conducted by an ad hoc committee of three faculty members recommended by the Provost. Members of an inquiry committee must be unbiased and should not have real or apparent conflicts of interest.
3. Notification of Respondent: Within 5 working days of the determination that the allegations of misconduct fall under the scope of this policy, the DSP shall notify the accused party in writing of the specific allegations that have been made and the process by which the allegations will be reviewed by providing them a copy of this policy. If requested, the DSP shall also meet with the respondent to discuss the allegations, the process, and their rights and responsibilities under this policy.

   As soon as the inquiry committee members have been identified, the respondent shall be notified in writing of its membership and provided 5 working days to submit a written statement identifying any known conflict of interest. If a possible conflict is raised, the information will be brought to the CRO, who shall make the determination as to whether the member should be retained or replaced. The respondent will be informed of the decision and instructed to avoid any contact with the members as pertains to the evaluation of the allegations except through the proceedings in this policy.

4. Inquiry Process: The Inquiry Committee shall review the allegations to determine whether, if true, the alleged behavior would constitute misconduct under this policy, and whether there is enough credibility to the allegations to merit an investigation. Note that the Inquiry Committee is not an investigatory body and is not expected to seek out evidence of misconduct. Rather, they shall review the initial report made by the informant and any supportive evidence provided; if needed, they may interview the informant. It is expected that they will interview the respondent unless the information provided does not credibly suggest that scholarly misconduct has occurred.
5. Inquiry Determination: If at least two members of the inquiry committee agree that a formal investigation is merited, that shall be the committee's determination. The inquiry committee will submit a report that identifies the respondent, describes the alleged misconduct, and provides its determination as to whether an investigation is merited as well as its basis. If the allegations concerned funded activities, the funding source(s) should also be identified in the report. The report shall be submitted to the DSP, who shall communicate the result to the respondent within five working days.

6. Respondent Comments: The respondent will be provided 10 working days to submit comments to be attached to the inquiry committee report.
7. CRO Determination: The DSP shall forward the report of the inquiry committee along with the comments of the respondent to the CRO. Within 10 working days of receiving the inquiry report and respondent comments, the CRO will make a final determination as to whether an investigation is warranted. The CRO's determination will be provided to the respondent in writing. Other interested parties (e.g., funding agencies) will also be notified.
8. Timeline: An inquiry should be completed as expeditiously as possible, but if it cannot be completed in 60 calendar days from the initial notification of the respondent, the inquiry committee must notify the DSP of the basis for the delay. In consultation with the CRO, a decision shall be made as to whether or not to continue the inquiry, or depending on the reason(s) for the delay, to proceed to an investigation.

i. **Investigation**

Within 30 calendar days of a determination that an investigation is merited, the DSP will assemble an investigating committee.

1. Purpose: The purpose of an investigation is to undertake fact-finding as pertains to the allegations.
2. Investigating Committee: The investigation will be conducted by an ad hoc committee of three to five tenured faculty members recommended by the Provost who were not involved in the inquiry. Members of an investigating committee must be unbiased and should not have real or apparent conflicts of interest with the respondent, informant, nor other likely witnesses. At least two

members should be from disciplines that share the scholarly or methodological practices used by the respondent to assure the committee has appropriate expertise to evaluate the evidence. The committee will appoint its own chair.

3. Notification of the Respondent: As soon as investigating committee members have been identified, the DSP shall notify the respondent of its membership. The respondent shall have 5 working days to submit a written statement identifying any known conflict of interest. If a possible conflict is raised, the information will be brought to the CRO, who shall make the determination as to whether the member should be retained or replaced. The respondent will be informed of the decision and instructed to avoid any contact with the members as pertains to the evaluation of the allegations except through the proceedings in this policy.
4. Investigation Process:
    a. Chair. The chair of the investigating committee will organize and schedule the meetings and communicate with outsiders (e.g., Informant, Respondent, Witnesses, the DSP).
    b. Meetings. The committee will set its meeting schedule based on the availability of members and evidence to be considered. Minutes shall summarize the discussion from each meeting. Transcripts and/or recordings shall be made of interviews.
    c. Procedures. The committee should be as transparent as possible in sharing its process and anticipated timeline with the respondent. Following is a template of a committee's procedures that may be modified or iterated as needed to ensure both accuracy of the findings and fairness to the respondent.
        i. Review university policy & procedures

ii. Review allegations and categorize potential policy violations
iii. Request response to alleged violations from respondent
iv. Determine what additional evidence is needed for each allegation and who might hold it
v. Request additional evidence
vi. Formulate an initial list of informants/witnesses who might be interviewed
vii. Share list of potential witnesses with respondent; allow respondent to submit possible lines of questioning for the committee's consideration
viii. Develop potential questions for witnesses
ix. Interview witnesses
x. Share additional evidence, including transcripts and/or recordings from interviews, with respondent
xi. Interview respondent
xii. Review evidence for each allegation
xiii. Make determination of responsibility
xiv. If appropriate, recommend disciplinary actions
xv. Submit draft report

d. Additional Violations: If, in the course of the investigation, the committee finds evidence of scholarly misconduct that was not part of the original allegations, the committee has the discretion to increase the scope of the investigation. The respondent must be given appropriate notification of any additional allegations being considered and be provided the opportunity to review and rebut the evidence from which the allegations spring.

5. Committee Determinations: For each allegation, the investigating committee will determine whether the alleged conduct occurred,

whether it constitutes misconduct under this policy, and if so, what type (i.e., plagiarism, fabrication, falsification, etc.); the committee will further indicate whether the acts were committed by intention or recklessness. These determinations shall be made based on the preponderance of evidence standard; scholarly misconduct shall only be concluded with unanimous support of the committee.

6. Draft Report: The committee will prepare a draft report that describes the alleged misconduct and specific allegations investigated, the processes followed during the investigation, the committee's determinations regarding each allegation (described above), the evidence that was reviewed that supports the committee's conclusion and an explanation for evidence that was not considered.

   If the committee determines that scholarly misconduct has occurred, the committee shall further recommend disciplinary actions and corrective recommendations, as appropriate. Even if there is a determination that no misconduct arose, recommendations may be made to correct the scientific record (i.e., as a result of honest errors identified in the investigation). The committee's draft report will be submitted to the DSP as well as the respondent.

   a. Disciplinary recommendations are intended to discourage future misconduct and promote an aura of fairness for employees who did not engage in inappropriate actions. While they are non-binding, they provide the university and the respondent a sense of the seriousness that the committee gives to the misconduct. Possible penalties may include, but are not limited to, removal from a specific research role or project, letter of reprimand, special monitoring of future work, suspension, reduction in salary and/or rank, or termination of employment.

Depending on the nature of the misconduct, committees may also recommend notification of the respondents' professional societies and state licensing boards who maintain ethical codes of conduct. If appropriate, criminal referrals are also possible.

b. Other corrective recommendations may be made to assure the integrity of the scientific record such as notifying sponsoring agencies, collaborators, and journal editors of potentially inaccurate findings.

7. Respondent's comments: The respondent shall have 30 calendar days to submit comments on the report to the DSP.
8. Final Report: Upon receipt of the Respondent's comments, the investigative committee will meet to prepare its final report which encompasses the information of the draft report, the respondent's comments, and considers the merits of the respondent's comments in light of the evidence reviewed.
9. CRO Review: Within 10 working days of receiving the final report of the investigating committee, the CRO will prepare a statement of concurrence or dissent with regard to the committee's recommendations. The committee's report and the CRO's concurrence/dissent will be forwarded to both the Provost and the Respondent.
10. Provost's Decision: The provost will make the final decision on disciplinary actions. All disciplinary action taken against a faculty member will be done in accordance with processes for handling deficient faculty performances (e.g., Policy 350.2.9.1.3 and 146.3).

Non-faculty will be disciplined in accordance with procedures applicable to their status or affiliation with ISU.

11. Timeline: An investigation should be completed as expeditiously as fairness and thoroughness permit. If (as is often likely) it cannot be completed in 120 calendar days from the initial notification to the respondent that the investigating committee was established, a report detailing the reasons for the delay shall be submitted to the DSP and transmitted to the respondent and other interested parties (e.g., funding agencies or other sponsors) as appropriate.
12. Appeal: The respondent may appeal a determination that scholarly misconduct occurred to the Provost. Appeal requests must be submitted within 10 working days from notification of the respondent of the committee and CROs recommendations. Acceptable grounds for appeal are:

    a) Availability of new exculpatory evidence

    b) Procedural defect that may have impacted the outcome

    If an appeal is granted under Condition a only, the Provost will ask the original Investigating Committee to meet to review the new evidence and determine whether to change their decision and/or disciplinary recommendations. If an appeal is granted under Condition b, the Provost will appoint a new committee of 3 faculty to review the evidence gathered during the investigation to make their own determination as to whether misconduct occurred and if so, to formulate appropriate disciplinary recommendations. In either case, the recommendations from the review committee should be delivered directly to the Provost within 120 calendar days of the granting of the appeal.

j. Duty to Complete

To protect scholarly integrity, it is expected that once alleged instances of misconduct that fall under the scope of this policy are reported, ISU will follow the procedures herein to completion; that is, ISU will continue to conduct the inquiry, and investigation, if warranted, even if the accused party leaves the institution. However, if the accused party provides a written confession to acts that constitute scholarly misconduct, the provost may determine that there is no probative value to continuing an inquiry or investigation and may declare the process complete and move directly to determination of disciplinary and/or other corrective actions. In such cases, the DSP will maintain a documented record of the reasons for the decision and notify concerned parties (e.g., sponsoring agencies).

k. Restoration of reputation

In instances where allegations are determined to fall under the scope of this policy, but an inquiry and/or investigation fail to produce evidence supporting a determination that misconduct has occurred, ISU shall make reasonable and practical efforts to protect the position and restore the reputation of those accused.

l. Protection from Retaliation

ISU will take reasonable and practical efforts to protect the positions and reputations of the informants, witnesses, committee members and others who acted in good faith throughout the process, regardless of the final decisions.

m. Record-Keeping

The complete record of reported allegations of plagiarism or misconduct as well as all follow-up actions (notification of respondent, interim administrative actions, inquiry committee reports, investigative committee reports, CRO recommendations, appeals, review committee determinations, final disciplinary decisions, etc.) will be retained by the Director of Sponsored Programs for 7 years, at which time they must be destroyed.