

ETHICAL CONDUCT IN ACADEMIC RESEARCH, SCHOLARSHIP, AND CREATIVE ACTIVITIES

I. Background/Introduction

The integrity of the research process is an essential aspect of a university's culture and intellectual structure. (For the sake of brevity, the term "research" in this document shall mean all research, scholarship, and creative activities that support the intellectual endeavors of the University.) Although incidents of misconduct in research may be rare, those that do occur threaten the entire research enterprise.

The integrity of the research process must depend largely upon self-regulation. Formalization of the rights and responsibilities underlying methods of inquiry is imperative in the research process. The University is responsible both for promoting academic practices that prevent misconduct and also for developing policies and procedures for dealing with allegations or other evidence of fraud or serious misconduct. All members of the University community - students, staff, faculty and administrators - share responsibility for developing and maintaining standards to assure ethical conduct of research and detection of abuse of these standards.

In dealing with the problem of misconduct it is nevertheless important to create an atmosphere that encourages openness and creativity. Good and innovative research cannot flourish in an atmosphere of oppressive regulation. Moreover, it is particularly important to distinguish misconduct in research from the honest error and the ambiguities of interpretation that are inherent in the scholarly process and are normally corrected by further research. The policies and procedures outlined below are not intended to address all academic issues of an ethical nature. For example, equal opportunity and affirmative action are covered by other University policies.

II. Ethical Conduct in Academic Research

The primary way to encourage appropriate conduct in research at the University is for faculty to promote and maintain a climate consistent with high ethical standards. To reduce the likelihood of misconduct in research, the faculty and administration should facilitate the following:

- A. *Encouragement of intellectual honesty.* Because of the importance of a climate of intellectual honesty in a university community, a commitment to the ethical responsibilities of academia by all of its practitioners is essential. The importance of such common practices as submission of work to peer review, avoidance of conflict of interest, scholarly exchange of ideas and data, and self-regulation must be emphasized. Mentor relationships between academic leaders and new practitioners serve to guarantee the transmission of ethical standards.
- B. *Assurance that quality of research is emphasized.*
- C. *Acceptance of responsibility by the research supervisor.* University policies must define a focus of responsibility for the conduct of research and must ensure that the individual(s) charged with the supervision of researchers can realistically execute the responsibility. These supervisors of research should be experienced academicians who serve as mentors in transmitting the ethics and responsibilities underlying scholarly research. The larger the

research team, the more critical the role of the supervisor in promoting open communication and scholarly exchange of ideas, data, and results. It is also the responsibility of the supervisor to encourage publication of as much primary data as possible.

- D. *Establishment of well-defined research procedures.* Well-designed and strictly-adhered-to research methods are a deterrent to fraud. Bias in data analysis and interpretation will be avoided by following practices common to the disciplines.
- E. *Appropriate assignment of credit and responsibility.* Publications should recognize the contributions of others through adequate citation and/or acknowledgment. Publications should also name as authors only those who have had a genuine role in the research and who accept responsibility for the quality of the work being reported.

III. Definitions

- A. "Research" means all research, scholarship, and creative activities that support the intellectual endeavors of the University.
- B. "Misconduct in Research" means any form of behavior which entails an act of deception whereby one's work or the work of others is misrepresented. Other terms, such as Research fraud or scientific misconduct, are subsumed within the term as defined. Misconduct in Research is distinguished from honest error and from ambiguities of interpretation that are inherent in the scholarly process. The principal element of Misconduct in Research is the intent to deceive others or misrepresent one's work. Misconduct involves significant breaches of integrity which may take numerous forms such as, but not limited to, those outlined below:
 - 1. Falsification of Data: Ranging from fabrication to deceptive selective reporting of findings and omission of conflicting data, or willful suppression and/or distortion of data with the intent to falsify results.
 - 2. Plagiarism: The misappropriation of the written work of another and its misrepresentation as one's own original work.
 - 3. Improprieties of Authorship: Improper assignment of credit, such as excluding other authors; inclusion of individuals as authors who have not made a definite contribution to the work published; or submission of multi-authored publications without the approval of all authors.
 - 4. Misappropriation of the Ideas of Others: The unauthorized use of privileged information (such as violation of confidentiality in peer review), however obtained.
 - 5. Violation of professional integrity in proposing, conducting, or reporting Research such as concealing conflicts of interest or commitment, or willful omission or falsification of information provided in proposing or reporting on Research.
 - 6. Inappropriate Behavior in Relation to Misconduct: Including unjust and malicious

accusation(s) of Misconduct; failure to report Misconduct; withholding or destruction of information relevant to a claim of Misconduct in Research; or retaliation against persons involved in the allegation or investigation of Misconduct in Research, who have not acted in bad faith.

- C. "Inquiry" means information gathering and initial fact finding to determine whether an allegation or apparent instance of Misconduct warrants an investigation.
- D. "Investigation" means the formal examination and evaluation of all relevant facts to determine if Misconduct has occurred.
- E. "Members of the University Community" means all faculty, administrators, staff, and students, both full and part time, who are affiliated with Lehigh University.
- F. "Complainant" means an individual who brings an allegation(s) of Misconduct. The Complainant may or may not be a Member of the University Community
- G. "Respondent" means a Member of the University Community against whom an allegation(s) of Misconduct is made.
- H. "Involved Parties" means the Complainant, the Respondent, and the Committee of Inquiry or the Committee of Investigation, as appropriate in context.

IV. Policy

- A. Misconduct in Research is inappropriate behavior by Members of the Lehigh University Community. Allegations of Misconduct in Research will be handled according to the policies and procedures included within this administrative document.
- B. Allegations of Misconduct against students will be handled according to policies in the Student Handbook, with the following modification: if a student against whom an allegation is lodged is supported with University funds (i.e., any funds paid by the University to a student for serving in a capacity as a research assistant), the allegation must be reported to the Provost, who will make the decision whether the process used to handle the allegation is through the Student Handbook process for students or the requirements of this policy. If the decision is to proceed through the student court process, each step of the process must be coordinated with the Provost or his/her designee to assure compliance with the procedures for timelines, decisions, and sanctions as prescribed in Section V.
- C. The imperatives that guide this institutional review process for dealing with allegations of Misconduct in Research are the following:
 - 1. The process used will not damage Research.
 - 2. The University will provide vigorous leadership in the pursuit and resolution of all charges.
 - 3. The principles of due process will be observed and the University will treat all parties

with fundamental fairness. However, under this policy, the formal procedural requirements and rules of evidence which would be applicable in a Court need not be followed.

4. The University will be sensitive to the reputations and vulnerabilities of all parties. A charge of Misconduct, even if found unjustified, may damage an individual's career. Furthermore, the potential vulnerability of Complainant and witnesses must be recognized and efforts made to prevent retaliation for allegations made in good faith, even if found unjustified.
5. The procedures will preserve the highest attainable degree of confidentiality compatible with an effective and efficient response.
6. The integrity of the process will be maintained by painstaking avoidance of real or apparent conflicts of interest.
7. The procedure will be as expeditious as possible leading to the resolution of charges in a timely manner.
8. The University will document the pertinent facts and actions at each stage of the process.
9. The University will pursue allegations within the scope of this policy without regard to whether related civil or criminal proceedings have been initiated or are underway.
10. Even if the Respondent leaves or has left the University before the case is resolved, the University reserves the option to pursue an allegation of Misconduct to its conclusion.
11. After resolving allegations, the University will discharge its responsibilities both internally - to all involved individuals - and externally - to the public, the sponsors of Research, the Research literature, and the Research community, by reporting the resolution to the extent that is appropriate and allowable.

V. Procedures

- A. *Questions about Misconduct:* Questions or suspicions about possible Misconduct may be raised by any Member of the University Community and be discussed confidentially and informally with any faculty member or administrator. Such questions or suspicions should be brought to the attention of the Provost for confidential counseling and possible informal resolution.
- B. *Initiation of an Allegation of Misconduct:* Formal allegations, in writing, may be reported to any faculty member or administrator. All such allegations must then be reported to the Provost or his/her designee. (The term "the Provost" in the balance of this document shall mean "the Provost or his/her designee.") If the Provost has a possible conflict of interest, the allegations will be referred to the President of the University.

The Provost shall review any allegation of Misconduct in Research and shall determine whether the allegation warrants initiation of the Inquiry process according to the policies and procedures for Misconduct in Research, or whether other policies and procedures, such as those relevant to employment grievances, should be invoked. The Provost will inform the individual(s) bringing the allegation as to the policies and procedures to be used. If the Provost believes that reasonable suspicion exists to warrant an Inquiry, the Inquiry process will be initiated. If the Provost does not believe that reasonable suspicion exists to warrant an Inquiry, he/she will so inform the Complainant. In this case the Provost may, at his/her discretion, inform the Respondent of the allegation, recognizing the need to prevent retaliation against the Complainant for allegations made in good faith.

The Provost or his/her designee shall, within 15 working days of receipt of an allegation, complete the initial review and decide whether to call for a Committee of Inquiry. Under extenuating circumstances, the Provost may extend this review time to 30 working days. The Respondent shall be notified of this decision within five working days after the decision.

C. Inquiry

1. Purpose of Inquiry:

Whenever a warranted allegation involving the possibility of Misconduct is made, the Provost will initiate an Inquiry - the second step of the review process. In the Inquiry stage, factual information is gathered and expeditiously reviewed to determine if an Investigation of the charge is warranted. As an informal, discreet, fact-finding process, an Inquiry is designed to separate allegations deserving of further Investigation from frivolous, unjustified, or clearly mistaken allegations.

2. Structure of Inquiry:

- a. The Provost will, after a decision to proceed with an Inquiry, appoint a Committee of Inquiry of no less than three persons. Members will be tenured faculty who are without conflict of interest, hold no appointment in the departments of either the Complainant or the Respondent, and have appropriate expertise for evaluating the information relative to the case. Every effort will be made following initial administrative review of the allegation to appoint a Committee of Inquiry within 15 working days but the Committee must be appointed within 30 working days.
- b. At its first meeting, the Committee will elect a chairperson to handle procedural and administrative matters. All Committee members are voting members.
- c. Detailed records of the Inquiry shall be kept and maintained. These records are confidential and are to be passed on to a Committee of Investigation if formal review is initiated. In any case, the records should be kept secure, and if no Misconduct is found, records should be destroyed three years after

completion of an Inquiry. Making the records public without authorization is grounds for a charge of Misconduct.

- d. The Inquiry phase will be completed within 60 calendar days of its initiation unless the Committee determines that circumstances clearly warrant a longer period. In such circumstances, the Committee will advise the Provost. The record of the Inquiry will include documentation for exceeding the 60-day period.
- e. As the Inquiry is informal and intended to be expeditious, Involved Parties and any witnesses are expected to speak for themselves. All individuals may be accompanied by a representative for advice and counsel.

3. Process of Inquiry:

- a. The Provost is responsible for notifying Involved Parties in writing of the allegations and of the procedures that will be used to examine the allegations. Further, they will be informed of the proposed membership of the Committee of Inquiry for the purpose of identifying in advance any real or potential conflict of interest.
- b. Meetings of the Committee will be closed. Attendance will be only by invitation of the Committee and will normally be limited to individuals who can provide information relevant to the allegations. Except to provide information to the Committee, neither the Complainant nor the Respondent will be present at Committee meetings.
- c. Where the Complainant seeks anonymity and the Committee of Inquiry finds this reasonable, the Committee shall operate in such a way as to maintain that anonymity to the degree compatible with accomplishing the fact finding purpose of the Inquiry. Such anonymity cannot, however, be assured. Anonymity of the Complainant is neither desirable nor appropriate where the testimony or witness of the Complainant is important to the substantiation of the allegations.
- d. Information, expert opinions, records, and other pertinent data may be requested by the Committee. All Involved Parties and any witnesses are obliged to cooperate with the Committee of Inquiry by supplying such requested documents and information.
- e. Access during the Inquiry to copies of all documents reviewed by the Committee will be assured to the Respondent. All material will be considered confidential and shared only with those with a need to know. During the Inquiry, the Provost and the members of the Committee of Inquiry are responsible for the security of relevant documents. Copies of all documents and related communications are to be securely maintained in the Office of the Provost.

- f. All Involved Parties, including the Committee of Inquiry itself, shall have the opportunity to present evidence and to bring forth witnesses.

4. Findings of Inquiry:

- a. The completion of an Inquiry is marked by a determination of whether or not an Investigation is warranted. The Committee shall find no Misconduct unless a majority of the members conclude, based on the preponderance of evidence for each allegation, that the allegation(s) have sufficient merit to call for an Investigation. The outcome of the Committee of Inquiry will be conveyed in writing to the Provost who will be responsible for communication of the findings to the Respondent within ten working days. The report of the Inquiry shall contain the following:
 - i. The names and titles of the members of the Committee of Inquiry;
 - ii. A description of the methods and procedures employed;
 - iii. A summary of the materials and testimony collected; and
 - iv. The final conclusions, supported by the reasoning behind them.

The Respondent shall be given the opportunity to comment in writing upon the findings and recommendations of the Committee. If the Respondent chooses to comment, such comments shall be forwarded as soon as possible but must be forwarded within ten working days. The Respondent's comments, if any, shall become a part of the record of the Inquiry.

- b. If the outcome of the Inquiry indicates a need for formal Investigation, the Provost, after notification to the appropriate Dean(s) and legal counsel for the University, will initiate the investigatory process. Under certain circumstances, as defined by federal regulations, the institution may be expected to notify the sponsoring agency or funding source at a point prior to the initiation of an Investigation. Factors used in determining the timing of such notification include the following:
 - i. There is an immediate health hazard involved;
 - ii. There is an immediate need to protect Federal funds or equipment;
 - iii. There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any;
 - iv. It is probable that the alleged incident is going to be reported publicly; and

- v. There is a reasonable indication of possible criminal violation (in which case the sponsoring agency must be notified within twenty-four (24) hours).
- c. If an allegation is found to be unsupported but has been submitted in good faith, no further action, other than informing all Involved Parties, will be taken. The proceedings of an Inquiry, including the identity of the Respondent, will be held in strict confidence to protect the Involved Parties. If confidentiality is breached, the University will take reasonable steps to minimize the damage to reputations that may result from inaccurate reports. Efforts will be made to prevent retaliation against Complainant or witnesses for allegations made in good faith.
- d. If the Committee finds the allegations to be unjust and malicious, the Committee will report those findings to the Provost. At this time, the Provost may take such actions, or impose such sanctions, as are appropriate to the situation, keeping within the rules and policies of the University.

D. Investigation and Determination

1. Purpose of Investigation

An Investigation will be initiated when an Inquiry issues a finding that Investigation is warranted. The purpose of Investigation is to explore further the allegations and determine whether Misconduct in Research has been committed. The Investigation will focus on accusations of Misconduct as defined previously and examine the factual materials of each case. In the course of an Investigation, additional information may emerge that justifies broadening the scope of the Investigation beyond the initial allegations. The Respondent will be informed in writing when significant new directions of Investigation are undertaken.

2. Structure of Investigation

- a. The Provost will, after a decision to proceed with a formal Investigation, appoint a Committee of Investigation of five persons. At least three members will be tenured faculty, and all members will be without conflict of interest, will hold no appointment in the departments of either the Complainant or the Respondent, and will have appropriate expertise for evaluating the information relevant to the case. At least one member shall not be associated with Lehigh University. No member of the Committee of Inquiry shall serve on the Committee of Investigation. Every effort will be made following the receipt of the report of the Committee of Inquiry to appoint a Committee of Investigation within 15 working days, but the Committee must be appointed within 30 working days.
- b. At its first meeting, the Committee will elect a chairperson to handle procedural and administrative matters. All committee members are voting members.

- c. Hearings are confidential and may be declared closed by request of any of the Involved Parties. Written notification of hearing dates and copies of all relevant documents will be provided by the Provost in advance of scheduled meetings. At the option of the Committee, proceedings will be either tape-recorded or transcribed and will be made available to Involved Parties upon request.
- d. Every effort should be made to complete the Investigation within 120 days; however, it is acknowledged that some cases may render this time period difficult to meet. In such cases, the Committee of Investigation should compile a progress report, identify reasons for the delay and notify the Provost of the additional time necessary for the Investigation.
- e. Both the principals and the Committee of Investigation may discuss the issue personally, have a representative act in his/her behalf or have a representative accompany him/her.

3. Process of Investigation

- a. The Provost is responsible for notifying all Involved Parties in writing of the allegations and of the procedures that will be used to examine the allegations. Further, they will be informed of the proposed membership of the Committee of Investigation for the purpose of identifying in advance any real or potential conflict of interest.
- b. All Parties Involved in the case, including the Committee of Investigation, may present evidence, and call and examine or cross-examine witnesses. The Investigation normally will include examination of all documentation, including but not necessarily limited to relevant Research data and proposals, publications, correspondence, and memoranda of telephone calls. The Committee will make every attempt to interview all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations; complete summaries of these interviews will be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file. Additional hearings may be held and the Committee may request the involvement of outside experts. The Investigation must be sufficiently thorough to permit the Committee to reach a decision about the validity of the allegation(s) and the scope of the wrong doing, and to assure that further investigation would not be likely to alter the decision. In addition to making a judgment on the veracity of the charges, the Committee may recommend to the Provost appropriate sanctions if warranted.
- c. As the University is responsible for protecting the health and safety of Research subjects, students and staff, interim administrative action prior to conclusion of either the Inquiry or the Investigation may be indicated. Such action ranging from slight restrictions to complete suspension of the Respondent and notification of external sponsors, if indicated, is initiated by the Provost.

- d. All persons involved in the Investigation are encouraged to cooperate by producing any additional data requested for the Investigation. Copies of all materials secured by the Committee shall be provided to the Respondent and may be provided to other Involved Parties as judged appropriate by the Committee.
- e. The Respondent may be present at the Investigation and may have legal counsel. The Respondent shall have an opportunity to address the charges and evidence in detail.
- f. After all evidence has been received and hearings completed, the Committee of Investigation shall meet in closed sessions to deliberate, and prepare its findings and recommendations. The Committee shall find no Misconduct in Research unless at least four of the members conclude by a preponderance of the relevant evidence that the allegation(s) have been substantiated.
- g. The Provost shall convey to the funding agency, if any, such information as may be required by it, and at intervals as required by the agency, as well as the findings and recommendations of the Committee

4. Findings of Investigation

- a. Upon completion of the Investigation, the Committee will submit to the Provost a full written report which details the Committee's findings and recommendations. The report of the Investigation shall contain the following:
 - i. The names and titles of the members of the Committee of Investigation;
 - ii. A description of the methods and procedures employed;
 - iii. A summary of the materials and testimony collected; and
 - iv. The final conclusions, supported by the reasoning behind them.

The Committee's findings are binding upon the University subject to appeal by the Respondent.

- b. This report should also be sent to the Respondent by the Provost within 10 days of its receipt. The Respondent shall be given the opportunity to comment in writing upon the findings and recommendations of the Committee. If the Respondent chooses to comment, such comments shall be forwarded as soon as possible but must be forwarded within ten working days. The Respondent's comments, if any, shall become a part of the record of the Investigation.
- c. Documentation to substantiate the findings of the Investigation must be maintained for at least three years after final resolution of the matter.

5. Resolution of Investigation

a. Finding of Absence of Misconduct in Research

All Research sponsors and others initially informed of the Investigation will be informed in writing that allegations of Misconduct were not supported. If the allegations are deemed to have been maliciously motivated, the Committee will report those findings to the Provost. If the allegations, however incorrect, are deemed to have been made in good faith, no additional measures are indicated and efforts will be made to prevent retaliatory actions against Complainant or witnesses. In publicizing the findings of no Misconduct, the University will be guided by whether public announcements will be harmful or beneficial in restoring any reputation(s) that may have been damaged. Usually, such decision will rest with the person who was innocently accused.

b. Finding of Presence of Misconduct in Research

The Provost shall consider the recommendations of the Committee and shall be responsible for determining and implementing sanctions. The Respondent shall be notified in writing of the recommended sanctions within 20 days. If the sanctions involve a recommendation for termination of employment, the University academic termination procedures will be invoked.

The University must take action appropriate for the seriousness of the Misconduct, including, but not limited to, one or more of the following:

- i. Institutional Disciplinary Action including:
 - Removal from particular project
 - Special monitoring of future work
 - Letter of reprimand
 - Probation for a specified period with conditions specified
 - Suspension of rights and responsibilities for a specified period, with or without salary
 - Financial restitution
 - Termination of employment/enrollment.
- ii. Notification. The Provost is responsible for notification of all sponsoring agencies, funding sources, or other entities initially informed of the Investigation, of the outcome. Consideration should be given to formal notification of other parties such as:
 - Co-authors, co-investigators, collaborators, department, campus University publications
 - Editors of journals in which fraudulent Research was published
 - State professional licensing boards
 - Editors of journals or other publications, other institutions,

sponsoring agencies, and funding sources with which the individual has been affiliated

- Professional societies

iii. Sanctions shall not be imposed during the appellate process.

6. Appeal of Investigation

Individuals may appeal the judgment of the Committee of Investigation and/or the sanction. A written statement of the grounds for the appeal must be submitted to the President of the University within thirty (30) days of receipt of written notification by the Respondent. Grounds for appeal include, but are not limited to new, previously unconsidered material evidence; findings not supported by the evidence; sanctions not commensurate with the findings; and lapses in due process. Upon receipt of notice of appeal, the Committee of Investigation will cause the tape recording of the proceedings to be transcribed and provided to the President. The President will act on the appeal within thirty (30) days of receipt of the transcript of the proceedings. If circumstances dictate, the President may re-open the investigation and remand the matter to the Committee of Investigation for further proceedings. The President's decision will be binding on all Parties. In the case of termination of employment of a member of the faculty, the President shall follow 2.2. I I. In all other cases involving termination, the President's decision may be appealed to the Board of Trustees. In such event, all evidence, including the transcript of the proceedings, shall be made available to the Board.