

Southwestern Oklahoma State University
University Research and Scholarly Activity Committee

Policy and Procedures
for Responding to Misconduct
in Research and Scholarly Activities¹

A. Introduction

The University, in carrying out its research and scholarly activity portion of the mission, encourages and expects members of the University community, faculty in particular, as well as administrators, staff, and students where appropriate, to engage in research and other forms of scholarly activity recognized by each discipline. The University expects the highest level of integrity of all its constituencies who conduct research and participate in other forms of scholarly activity. In addition, the University wishes to protect the integrity and reputation of the institution and its scholars from false and unproven accusations of misconduct without due process. To that end, the procedures pursuant to this policy are intended to be investigatory rather than adversarial.

B. Scope

This policy and the associated procedures apply to all individuals associated with Southwestern Oklahoma State University engaged in research and/or scholarly activity whether funded or unfunded. This applies to any research, research-training or research-related grant or cooperative agreement with any and all participating agencies. This policy applies to any person paid by, under the control of, or affiliated with the institution, such as scientists, trainees, faculty, staff members, students, fellows, guest researchers, or collaborators at Southwestern Oklahoma State University.

This policy and associated procedures will normally be followed when an allegation of possible misconduct in research or other scholarly activities is received by the Research/Scholarly Activity Integrity Officer. Particular circumstances in an individual case may dictate variation from the normal procedure deemed in the best interests of Southwestern Oklahoma State University and the participating agency. Any change from normal procedures also must ensure fair treatment to the subject of the inquiry or investigation. Any significant variation must be

¹ A significant portion of this document was adapted from the Model Policy and Procedures offered by the Office of Research Integrity of the Public Health Service which may be found at www.phs.gov.

approved in advance by the Research/Scholarly Activity Integrity Officer of Southwestern Oklahoma State University.

C. Definitions

Allegation: any written or oral statement or other indication of possible research or scholarly activity misconduct made to an institutional official.

Complainant: person who makes an allegation of research or scholarly activity misconduct.

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

Deciding Official: the institutional official who makes the final determinations on allegations of research or scholarly misconduct and any responsive institutional actions. The Deciding Official will not be the same individual as the Research/Scholarly Activity Integrity Officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment.

Good faith allegation: an allegation made with the honest belief that research or scholarly misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation.

Inquiry: initial fact-finding to determine whether an allegation or apparent instance of research or scholarly misconduct warrants an investigation.

Investigation: formal examination and evaluation of all relevant facts to determine if research or scholarly misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.

Research or scholarly activity misconduct: fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within a community of scholars for proposing, conducting, or reporting research or other forms of scholarly activity. It does not include honest error or honest differences in interpretations or judgments of data.

Research/Scholarly Activity Integrity Officer: the institutional official responsible for assessing allegations of research or scholarly misconduct and determining when such allegations warrant inquiries and for overseeing inquiries and investigations.

Research/Scholarly record: 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 or scholarly activity that constitutes the subject of an allegation of misconduct. A research or scholarly activity 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 procedure records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

Respondent: person against whom an allegation of research or scholarly activity misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be no more than one respondent in any inquiry or investigation.

Retaliation: any action that adversely affects the employment or other institutional status of an individual that is taken by the institution or an employee because the individual has, in good faith, made an allegation of research or scholarly activity misconduct or of inadequate institutional response thereto or has cooperated in good faith with an investigation of such allegation.

D. Rights and Responsibilities

Research/Scholarly Activity Integrity Officer: The Provost will appoint the Research/Scholarly Activity Integrity Officer who will have the primary responsibility for implementation of the procedures set forth in this document. The Research/Scholarly Activity Integrity Officer will be an institutional official who 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/Scholarly Activity 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 Research/Scholarly Activity Integrity Officer will attempt to ensure that confidentiality is maintained.

The Research/Scholarly Activity Integrity Officer will assist inquiry and investigation committees and all institutional personnel in complying with these procedures and with applicable standards imposed by government or external participating sources. The Research/Scholarly Activity Integrity Officer is also responsible for maintaining files of all documents and evidence and for the confidentiality and the security of the files.

The Research/Scholarly Activity Integrity Officer will report to the participating agency that may be attached to the researcher scholarly activity in question. The participating agency will be appraised of any developments during the course of the inquiry or investigation that may affect current or potential agency funding for the individual under investigation or that the participating agency needs to know to ensure continued participation of the agency and otherwise protect the public and private interest.

Complainant (Whistleblower): The complainant will have an opportunity to testify before the inquiry and investigation committees, to review portions of the inquiry and investigation reports pertinent to his/her allegations or testimony, to be informed of the results of the inquiry and investigation, and to be protected from retaliation. Also, if the Research Scholarly Activity

Integrity Officer has determined that the complainant may be able to provide pertinent information on any portions of the draft report, these portions will be given to the complainant for comment. The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.

Respondent: The respondent will be informed in writing of the allegation(s) when an inquiry is opened and notified in writing of the final determinations and resulting actions. The respondent will also have the opportunity to be interviewed by and present evidence to the inquiry and investigation committees, to review the draft inquiry and investigation reports, and to have the advice of counsel.

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 research or scholarly activity misconduct, the respondent has the right to receive institutional assistance in restoring the respondent's reputation.

Deciding Official: The Deciding Official will receive the inquiry and/or investigation report and any written comments made by the respondent or the complainant on the draft report. The Deciding Official will consult with the Research/Scholarly Activity 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.

E. General Policies and Principles

Responsibility to Report Misconduct: All employees or individuals associated with Southwestern Oklahoma State University should report observed, suspected, or apparent misconduct in research or scholarly activity to the Research/Scholarly Integrity Officer for the University. If an individual is unsure whether a suspected incident falls within the definition of scientific or scholarly activity misconduct, he or she may contact the Research/Scholarly Integrity Officer to discuss the suspected misconduct informally. If the circumstances described by the individual do not meet the definition of scientific/scholarly misconduct, the Research/Scholarly Integrity Officer will refer the individual or allegation to other officers or officials with responsibility for resolving the problem. At any time, an employee may have confidential discussions and consultations about concerns of possible misconduct with the Research/Scholarly Integrity Officer and will be counseled about appropriate procedures for reporting allegations.

Protecting the Complainant (Whistleblower): The Research/Scholarly Integrity Officer will monitor the treatment of individuals who bring allegations of misconduct or of inadequate institutional response thereto, and those who cooperate in inquiries or investigations. The Research/Scholarly Integrity Officer will ensure that these persons will not be retaliated against in the terms and conditions of their employment or other status at the institution and will review instances of alleged retaliation for appropriate action.

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

Also, the institution 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 institution 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. 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 University will undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations.

Protecting the Respondent: Inquiries and investigations 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.

Institutional employees accused of scientific misconduct may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice and may bring the counsel or personal adviser to interviews or meetings on the case.

Cooperation with Inquiries and Investigations: Institutional employees will cooperate with the Research/Scholarly Integrity Officer and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees have an obligation to provide relevant evidence to the Research/Scholarly Integrity Officer or other institutional officials on misconduct allegations. An employee unwilling to cooperate in the inquiry or investigation of an alleged misconduct will result in a charge of insubordination and possible suspension or dismissal.

Preliminary Assessment of Allegations: Upon receiving an allegation of scientific misconduct, the Research/Scholarly Integrity Officer will immediately assess the allegation to determine whether there is sufficient evidence to warrant an inquiry, whether participating agency support or agency applications for funding are involved, and whether the allegation falls under the participating agency definition of scientific/scholarly misconduct.

F. Conducting the Inquiry

Initiation and Purpose of the Inquiry: Following the preliminary assessment, if the Research/Scholarly Integrity Officer determines that the allegation provides sufficient information to allow specific follow-up, involves internal or external support, and falls under definition of scientific misconduct, he or she will immediately initiate the inquiry process. In initiating the inquiry, the Research/Scholarly Integrity Officer should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry 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/scholarly activity misconduct to warrant an investigation. It is not the purpose of the

inquiry to reach a conclusion about whether misconduct definitely occurred and who was responsible. The findings of the inquiry must be set forth in an inquiry report.

Sequestration of Research/Scholarly Activity Records: After determining that an allegation falls within the definition of misconduct in research/scholarly activity, the Research/Scholarly Integrity Officer must ensure that all original research records and materials relevant to the allegation are immediately secured. If a participating agency is involved, the Research/Scholarly Integrity Officer may consult with the participating agency for advice and assistance in this regard.

Appointment of the Inquiry Committee: The Research/Scholarly Integrity Officer, in consultation with other institutional officials as appropriate, will appoint an inquiry committee and committee chair within 10 calendar days of the initiation of the inquiry. The inquiry committee will consist of 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 allegation, interview the principals and key witnesses, and conduct the inquiry. These individuals may be scientists, subject matter experts, administrators, lawyers, or other qualified persons, and they may be from inside or outside the institution. [Option: As an alternative, the institution may appoint a standing committee authorized to add or reuse members or use experts when necessary to evaluate specific allegations.]

The Research/Scholarly Integrity Officer will notify the respondent of the proposed committee membership within ten (10) calendar days of the beginning of the Inquiry. 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 five (5) calendar days, the Research/Scholarly Integrity Officer will determine whether to replace the challenged member or expert with a qualified substitute.

Charge to the Inquiry Committee and the First Meeting: The Research/Scholarly Integrity Officer 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 as required by any participating agency's policies and regulations. It is not the purpose of the Committee to determine whether research/scholarly activity misconduct definitely occurred or who was responsible.

At the Committee's first meeting, the Research/Scholarly Integrity Officer will review the charge with the Committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the Committee with organizing plans for the inquiry, and answer any questions raised by the Committee. The Research/Scholarly Integrity Officer and institutional counsel will be present or available throughout the inquiry to advise the Committee as needed.

Inquiry Process: The Inquiry Committee will interview the complainant, the respondent and key witnesses as well as examining relevant research/scholarly activity records and materials. Then

the Inquiry Committee will evaluate the evidence and testimony obtained during the inquiry. After consultation with the Research/Scholarly Integrity Officer and institutional counsel, the Committee members will decide whether there is sufficient evidence of possible research/scholarly activity misconduct to recommend further investigation. The scope of the inquiry does not include deciding whether misconduct occurred or conducting exhaustive interviews and analyses.

G. The Inquiry Report

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 participating agency (if any) and amount of participation support; 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. Institutional counsel will review the report for legal sufficiency.

Comments on the Draft Report by the Respondent and the Complainant: The Research/Scholarly Integrity Officer will provide the respondent with a copy of the draft Inquiry Report for comment and rebuttal and will provide the complainant, with portions of the draft Inquiry Report that address the complainant's role and opinions in the investigation.

Confidentiality: The Research/Scholarly Integrity Officer will establish reasonable conditions for review to protect the confidentiality of the draft report.

Receipt of Comments: Within fourteen (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 Inquiry Report as appropriate.

Inquiry Decision and Notification: The Research/Scholarly Integrity Officer will transmit the final Inquiry Report and any comments to the Deciding Official, who will make the determination of whether findings from the inquiry provide sufficient evidence of possible research/scholarly activity misconduct to justify conducting an investigation. The inquiry is completed when the Deciding Official makes this determination, which will be made within sixty (60) calendar 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.

The Research/Scholarly Integrity Officer will notify both the respondent and the complainant in writing of the Deciding Official'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

Research/Scholarly Integrity Officer will also notify all appropriate institutional officials of the Deciding Official's decision.

Time Limit for Completing the Inquiry Report: The Inquiry Committee will complete the inquiry and submit a report in writing to the Research/Scholarly Integrity Officer no more than sixty (60) calendar days following the first meeting, unless the Research/Scholarly Integrity Officer approves an extension for good cause. If the Research/Scholarly Integrity Officer approves an extension, the reason for the extension will be entered into the records of the case and the report. The respondent also will be notified of the extension.

H. Conducting the Investigation

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/scholarly activity that form the basis for public policy, clinical practice, or public health practice. The findings of the investigation will be set forth in an Investigation Report.

Sequestration of the Research Records: The Research/Scholarly Integrity Officer 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 institution'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.

Appointment of the Investigation Committee: The Research/Scholarly Integrity Officer, in consultation with other institutional officials as appropriate, will appoint an Investigation Committee and the Committee chair within ten (10) calendar days of the notification to the respondent that an investigation is planned or as soon thereafter as practicable. The Investigation Committee must consist of at least three (3) 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 investigation. These individuals may be scientists, administrators, subject matter experts, lawyers, or other qualified persons, and they may be from inside or outside the institution. Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee.

The Research/Scholarly Integrity Officer will notify the respondent of the proposed Committee membership within five (5) calendar days. The respondent must notify the Research/Scholarly Activity Integrity Officer of any objection to the make-up of the Investigation Committee within in five (5) calendar days of receiving the notification of membership. The Research/Scholarly

Integrity Officer will then determine whether to replace the challenged member or expert with a qualified substitute.

Charge to the Committee and the First Meeting: The Research/Scholarly Integrity Officer 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, define the specific research/scholarly activity misconduct, and identify 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, research/scholarly activity 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 suggests additional respondents, the Committee will notify the Research/Scholarly Integrity Officer, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.

The Research/Scholarly Integrity Officer, with the assistance of institutional counsel, will convene the first meeting of the Investigation Committee to review the charge, the Inquiry Report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The Investigation Committee will be provided with a copy of these instructions and, where agency participation is involved, the agency regulation.

Investigation Process: The Investigation Committee will be appointed and the process initiated within thirty (30) calendar days of the completion of the inquiry, if findings from that inquiry provide a sufficient basis for conducting an investigation.

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. Whenever possible, the Committee should interview the complainant, the respondent, and other individuals who might have information regarding aspects of the allegations. Interviews of the respondent will be tape recorded or transcribed. All other interviews will be transcribed, tape recorded, or summarized. Summaries or transcripts of the interviews will be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file.

I. The Investigation Report

Elements of the Investigation Report: The final Investigation Report submitted to the Research/Scholarly Activity Integrity Officer 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 the 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 comment as to the degree of seriousness of the integrity violation.

Comments on the Draft Report:

Respondent: The Research/Scholarly Activity Integrity Officer will provide the respondent with a copy of the draft Investigation Report for comment and rebuttal. The respondent will be allowed ten (10) calendar days to review and comment on the draft report. The respondent's comments will be attached to the final Investigation Report. The findings of the final Investigation Report will take into account the respondent's comments in addition to all the other evidence.

Complainant: The Research/Scholarly Activity Integrity Officer will provide the complainant with those portions of the draft Investigation Report that address the complainant's role and opinions in the investigation. The report will be modified, as appropriate, based on the complainant's comments.

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

Confidentiality: In distributing the draft Investigation Report, or portions thereof, to the respondent and complainant, the Research/Scholarly Activity Integrity Officer will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the Research/Scholarly Activity Integrity Officer may request the recipient to sign a confidentiality statement or to come to his or her office to review the report.

Institutional Review and Decision: Based on a preponderance of the evidence, the Deciding Official 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 Deciding Official will explain in detail the basis for rendering a decision different from that of the Investigation Committee in the institution's letter transmitting the report to the Research/Scholarly Activity Integrity Officer. The Deciding Official's explanation should be consistent with the institution's policies and procedures and the evidence reviewed and analyzed by the Investigation Committee. The Deciding Official may also return the report to the Investigation Committee with a request for further fact-finding or analysis. The Deciding Official's determination, together with the Investigation Committee's report, constitutes the final Investigation Report for purposes of action to be taken by the institution and any external public or private agencies participating.

When a final decision on the case has been reached, the Research/Scholarly Activity Integrity Officer will notify both the respondent and the complainant in writing. In addition, the Deciding Official will determine whether law enforcement agencies, professional societies, professional

licensing boards, editors of journals in which falsified reports have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The Research/Scholarly Integrity Officer is responsible for ensuring compliance with all notification requirements of participating or sponsoring agencies.

Transmittal of the Final Investigation Report to Deciding Official: After comments have been received and the necessary changes have been made to the draft report, the Investigation Committee will transmit the final Investigation Report with attachments, including the respondent's and complainant's comments, to the Deciding Official, through the Research/Scholarly Integrity Officer.

Time Limit for Completing the Investigation Report: An investigation should ordinarily be completed within one hundred twenty (120) calendar days of its initiation, with the initiation being defined as the first meeting of the Investigation Committee. This includes conducting the investigation, preparing the Investigation Report of findings, making the draft report available to the subject of the investigation for comment, submitting the report to the Deciding Official for approval, including submitting the Report to the participating agency if one is involved.

J. Requirements for Reporting to Participating Agency

A decision to initiate an investigation must be reported to any participating agency connected to the allegation of research/scholarly activity misconduct according to the requirements of the agency. The institutional Research/Scholarly Activity Integrity Officer is responsible for oversight of this requirement.

K. Institutional Administrative Actions

The Deciding Official for Southwestern Oklahoma State University will take appropriate administrative actions against individuals when an allegation of misconduct has been substantiated by due process. The appropriate administrative actions to be taken will be in consultation with the Research/Scholarly Activity Integrity Officer for the institution and may include the following:

Withdrawal or correct all pending or published abstracts and papers emanating from the research/scholarly activity where misconduct was found.

Removal of the responsible person from the particular project, letter of reprimand, special monitoring of work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment.

Restitution of resources to the appropriate participating agency and the University.

L. Other Considerations

Termination of Institutional Employment or Resignation Prior to Completing Inquiry or Investigation: The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible scientific misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry or investigation, the inquiry or investigation will proceed. 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 its effect on the committee's review of all the evidence.

Restoration of the Respondent's Reputation: If the institution finds no misconduct and any participating agency attached thereto concurs, after consulting with the respondent, the Research/Scholarly Activity Integrity Officer and other university officials when appropriate will undertake reasonable efforts to restore the respondent's reputation. Depending on the particular circumstances, the Research/Scholarly Activity Integrity Officer 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 research/scholarly activity misconduct was previously publicized, or expunging all reference to the research/scholarly activity misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation must first be approved by the Deciding Official.

Protection of the Complainant and Others: If the institution determines that research/scholarly activity misconduct occurred, the Research/Scholarly Activity Integrity Officer will undertake reasonable efforts to protect complainants who made allegations of misconduct in good faith and others who cooperate in good faith with inquiries and investigations of such allegations. Upon completion of an investigation, the Deciding Official will determine, after consulting with the complainant, what steps, if any, are needed to restore the position or reputation of the complainant. The Research/Scholarly Activity Integrity Officer is responsible for implementing any steps the Deciding Official approves. The Research/Scholarly Activity Integrity Officer will also take appropriate steps during the inquiry and investigation to prevent any retaliation against the complainant.

Allegations Not Made in Good Faith: If relevant, the Deciding Official 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 Deciding Official will determine whether any administrative action should be taken against the complainant.

Interim Administrative Actions: Institutional officials will take interim administrative actions, as appropriate, to protect all extramural resources and ensure that the purposes of the extramural participating agencies financial assistance are carried out.

M. Record Retention

After completion of a case and all ensuing related actions, the Research/Scholarly Activity Integrity Officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Research/Scholarly Activity Integrity Officer or committees. The Research/Scholarly Activity Integrity Officer will keep the file for five (5) years after completion of the case to permit later assessment of the case. Authorized personnel from extramural participating agencies will be given access to the records upon request.

N. The Appeal Process

1. The University Promotion/Tenure Appeals Committee shall serve as the Appeals Committee for the purpose of this policy.
2. Any potential conflicts of interest or challenges by the Respondent to any committee member shall be immediately forwarded to the Deciding Official. The Deciding Official shall determine the validity of the conflict or challenge and if necessary, request a replacement from the appropriate college through the Faculty Senate or the Chief Academic Officer.
3. The Committee shall elect a chair who will be a voting member.
4. Upon receipt of notification of a decision of misconduct, the respondent may appeal the decision by submitting a letter to the deciding Official within fourteen (14) calendar days of receipt of notification. The Respondent may waive his or her right to a hearing and may submit additional documentation containing information not previously presented in the Inquiry or Investigation proceedings. The University Promotion/Tenure Appeals Committee will review the available documentation obtained from the Research/Scholarly Activity Integrity Officer and the Respondent and submit a recommendation to the Respondent and Deciding Official within thirty (30) days after receipt of all documentation. The President shall notify the Respondent of the final decision within seven (7) calendar days after receipt of the Committee's recommendation.
5. If the hearing is not waived, the Deciding Official shall call a meeting of the University Promotion/Tenure Appeals Committee within fourteen (14) calendar days of the appeal and request for a hearing. At this meeting, the Deciding Official shall provide the Committee all available evidence including testimony and documentary evidence obtained in the Inquiry and Investigation. The Deciding Official shall then charge the Committee to review and evaluate the evidence, conduct a hearing, and make a recommendation to the Deciding Official.
6. The hearing shall be held within thirty (30) calendar days of the charge to the Committee. Evidence and information provided in the hearing shall be limited to exhibits and testimony not previously presented in the Inquiry or Investigation.

7. Academic advisors and/or counsel shall be permitted for the Respondent, Committee, and the University during the hearing. A court reporter will be retained by the University to record the proceedings. Parties desiring a paper copy of the proceedings will pay the cost of a copy of the transcript. Audio copies will be provided at no cost.
 8. The respondent and the University shall have the right to cross examine all witnesses. Depositions are permissible if a witness cannot appear.
 9. Upon completion of the hearing, the Committee shall make a recommendation to the Deciding Official within fourteen (14) calendar days following the conclusion of the hearing. The President shall notify the Respondent of the final decision within seven (7) calendar days after receipt of the recommendation by the Committee.
 10. The incumbent committee members shall serve until the completion of any case pending at the time their term of service expires.
- O.** Should the Inquiry, Investigation, and/or Hearing proceedings extend over a break or the summer session, the days included in the break or summer session shall not be counted towards any time requirement for a response or action unless agreed to otherwise by the Respondent, Research/Scholarly Activity Integrity Officer, affected committee(s), and the University.

Adopted: March, 2008

The *Southwestern Oklahoma State University Policy and Procedures for Responding to Misconduct in Research and Scholarly Activities* has been approved by SWOSU's University Research and Scholarly Activity Committee, SWOSU's Provost, and SWOSU's President.