Misconduct in Scholarship

The College's Mission Statement provides that "we enable students, faculty, trustees, and administrators to solve problems in a civil manner, collectively." The policy below was written with that statement in mind; however, not all community members are comfortable addressing each other on all topics. Campus Conduct Hotline (see appendix D) is a confidential, independent, call-in service that provides a simple, anonymous way for individuals to preserve the values and mission of Lake Forest College.

(Following approved at Faculty Meeting February 10, 1993; amended October 1996; November 2013)

a. Preamble and Summary

Misconduct in scholarship is historically a rare occurrence. However, should an instance arise in which misconduct by a member of the Lake Forest College community is alleged to have occurred, the College must investigate promptly, while affording the maximum protection both to the complainant and to the accused or respondent. That is the intent of this policy.

This policy applies to all faculty and staff at the College engaged in scholarship and research, including federally-support research or research training. The policy also applies to any person paid by or affiliated with the College, including visiting faculty, guest researchers, or collaborators**.** Students who are accused of scholarly misconduct are subject only to "Academic Honesty Rules and Procedures," described here in section 10. G. below and in the student handbook, except in any case of misconduct in scholarship or research supported by outside agencies, such as the Department of Health and Human Services (DHHS), which require a specific policy such as is described in this document. These students are subject to the policy and procedures stated here.

This policy and the associated procedures will be followed when an allegation of possible scholarly or research misconduct in research is reported to a College official. The College will investigate promptly, while affording maximum protection to the complainant and to the respondent.

Definitions

"Allegation" means any written or oral statement or other indication of possible research misconduct presented to a College official.

"Complainant" means a person who makes an allegation of research misconduct.

"Good faith" allegation means an allegation made with the honest belief that research misconduct may have occurred.

"Inquiry" means gathering information and initial fact gathering to determine whether an allegation or apparent instance of research misconduct warrants an investigation.

"Investigation" means the formal examination of all relevant facts to determine if misconduct has occurred and, if so, to determine the person who is responsible and the seriousness of the misconduct.

"Misconduct" in scholarship or research means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted as appropriate by the scholarly community for proposing, conducting, or reporting scholarship. Misconduct does not include honest error or differences in interpretation or judgment of data, nor should it inhibit the spirit of free enquiry or risk-taking that can be a feature of good research.

"Resolution" means determining whether or not research misconduct has been committed.

"Respondent" means the person(s) against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation.

The Dean of the Faculty (hereinafter "the Dean") has responsibility for informing the faculty, staff, and students falling under this policy, of the College's policy regarding misconduct in scholarship and for interpreting this policy. The dean may delegate the responsibility for informing students about this policy to the faculty overseeing student research.

- The procedure followed at Lake Forest College has three stages: inquiry, investigation, and resolution. Those responsible for conducting each phase of the procedure should bear in mind the following important principles: The College must vigorously pursue and resolve any charges of misconduct in scholarship or research.

- All parties must be treated with justice and fairness, bearing in mind the vulnerabilities of their positions and the sensitive nature of academic reputations.

- Confidentiality must be maintained to the maximum practical extent.

- Conflict of interest, real and potential, must be minimized.

- All stages of the procedure must be fully documented.

- All parties are responsible for acting in such a way as to avoid unnecessary damage to the general enterprise of academic scholarship and research at the College. Nevertheless, the College is committed to informing the appropriate external funding agencies of its actions when the work in question is supported by such agencies. If it is found that misleading data or information have been published, the College is responsible for setting the public record straight, for example, by informing the editors of scholarly or scientific journals.

b. Inquiry

The purpose of the inquiry stage is to determine, with minimum publicity and maximum confidentiality, whether there exists a sufficiently serious problem to warrant a formal investigation. It is crucial at this

stage to separate substantive issues from disagreements between colleagues (at Lake Forest College or elsewhere) that may be resolved without a formal investigation.

i. Initiating the Inquiry

Any allegation of misconduct in scholarship, arising from inside or outside the College, should be referred directly to the Dean. The Dean may also initiate an inquiry without receipt of a specific allegation if evidence of suspicious academic conduct has come to the Dean's attention.

When a complainant comes forth, the Dean's first job is to provide a confidential assessment. If, in the Dean's judgment, the issue involved does not amount to misconduct, satisfactory resolution through means other than this policy should be sought. However, if in the Dean's judgment there is an indication that misconduct has occurred, the Dean must pursue the case even in the absence of a formal allegation.

The Dean should also counsel those involved that, should it be determined at either the inquiry or the investigation stage that the allegations were both false and malicious, sanctions may be brought to bear against the complainant.

ii. Inquiry Process

The Dean is responsible for conducting the inquiry**.** The Dean may call on one or two senior persons in the field for help where specific technical expertise is required, but this need should be carefully weighed against the importance of confidentiality.

The Dean should notify the President as soon as possible, and may call upon College legal counsel at this stage. Every effort should be made to make personal legal counsel unnecessary for either complainant or respondent at this and all other stages, but all parties should recognize that the College counsel always acts on behalf of the institution, not one or the other parties.

An inquiry is formally initiated when the Dean notifies the respondent in writing of the charges and the process to follow. This and all other documents are to be preserved for seven years.

The nature of the inquiry will depend on the details of the case, and should be worked out by the Dean in consultation with the complainant and the respondent, with any colleague the Dean consults for assistance**,** and with College legal counsel. At this stage, every effort should be made to keep open the possibility of resolving the issue without damage to the position or reputation of either the complainant or the respondent. However, the Dean's primary responsibility is not to the individuals but to the integrity of academic scholarship and the College. If misconduct has occurred, it must not be covered up.

iii. Findings of the Inquiry

The inquiry should be completed, and a written record of findings should be prepared, within 60 calendar days of its initiation. If the inquiry takes longer than 60 days a report should be prepared citing progress to date and the reasons for the delay. The final report and any progress reports will be provided to the respondent and other individuals involved in the case.

The inquiry is complete when a judgment is made about whether a formal investigation is warranted. An investigation is warranted if a reasonable possibility of misconduct exists. Written documentation summarizing the process and the conclusion of the inquiry must be preserved in the Dean's Office for seven years. The Dean must inform the complainant whether the allegations will be subject to a formal investigation. If a formal investigation is warranted, any external agency sponsoring the research and other appropriate offices, e.g., the Office of Research Integrity (ORI) in the instance of DHHS-sponsored research**,** must be notified at this point.

c. Formal Investigation

An investigation must be initiated within 30 calendar days after an inquiry determines that an investigation is warranted**.** In the case of DHHS-sponsored research, the Dean must provide the ORI with the written finding and a copy of the inquiry report within 30 calendar days after determining that an investigation is warranted. The purpose of the investigation is to make a formal determination as to whether misconduct has occurred.

If an investigation is initiated, the Dean should decide whether interim administrative action is required to protect the interests of research subjects, students, colleagues, the funding agency, or the College while the investigation proceeds.

i. The Investigation Committee

The Dean shall appoint an investigation committee of no fewer than three persons, one of whom the Dean designates as the chairperson. The principal criteria for membership shall be fairness and wisdom, technical competence in the field in question, and avoidance of conflict of interest. Membership of the committee need not be restricted to the faculty of the College in case outside expertise is judged to be necessary. The respondent and complainant should be given an opportunity to comment, in writing, on the suitability of proposed members before the membership is finalized. The committee should be provided with funds and administrative support if needed to enable it to perform its task. The Dean should write a formal charge to the committee, informing it of the details of its task.

ii. The Investigation Process

Once the investigation committee is formed, it should undertake to inform the respondent of all allegations so that a response may be prepared. All parties, including the respondent, are expected to cooperate fully with the investigating committee. The Committee should call upon the help of College legal counsel in working out the procedure to be followed in conducting the

investigation. The complainant and respondent should be fully informed of the procedure chosen.

Confidentiality should be maintained, except where limited information must be revealed to persons assisting the committee in order to allow a conclusive determination of the facts. Nevertheless, every attempt should be made to protect the reputations of all parties involved. A finding of misconduct must be by agreement of a majority of the full committee.

The investigation should be completed, and a full report prepared and submitted to the Dean, within 120 days of its initiation. (If this deadline cannot be met, an interim report of the reasons for delay and progress to date should be prepared.) A draft of any interim report and of the final committee report should be submitted to both complainant and respondent for comment before the report becomes final.

The respondent must be given the opportunity for a formal hearing before the investigation committee. College legal counsel should be called upon to assist in working out the procedure to be followed in conducting such a hearing.

d. Resolution

i. Finding of No Misconduct

Upon determination of a *finding of no misconduct*, ~~the~~ any relevant federal or other entity that sponsors the research under investigation must be promptly notified. ORI will be notified in cases that involve research sponsored by DHHS. The Dean should decide what steps need to be taken to clear the record and protect the reputations of all parties involved in the case.

If the allegations are found to have been maliciously motivated, the Dean may wish to recommend to the President appropriate disciplinary action. If the allegations are found to have been made in good faith, precautions should be taken if necessary to prevent retaliatory actions.

ii. Finding of Misconduct

Upon determination of a *finding of misconduct*, any relevant federal or other entity that sponsors the research under investigation must be promptly notified. ORI will be notified in cases that involve research sponsored by DHHS. In the case of faculty for whom a federal grant award is pending, the College must notify the relevant granting agencies in writing within 10 calendar days of the determination of a finding of misconduct or of being notified of a pending federal grant award, whichever is the sooner. The Dean should forward the committee report to the President with a recommendation of sanctions and other action to be taken. The President should review the full record of the inquiry and investigation.

Possible sanctions for faculty and staff include dismissal from employment by the College. Procedures for faculty dismissal for cause are found in the Faculty Handbook, Section I.C.2.b. and c. Sanctions against staff will be handled according to policies in the Staff Handbook.

For students, the sanctions recommended to the President might include suspension or termination of the privilege of being employed to do research, suspension or termination of the privilege of doing research as independent study for credit, failure in the research project for which the student is enrolled for credit, suspension from the College, or dismissal from the College.

In addition to notifying the relevant regulatory and sponsoring authorities and agencies, the College will also notify any other parties directly and professionally affected by the misconduct, providing such parties with any required documentation. Such other parties might include the complainant; co-authors, co-investigators, collaborators; and editors of journals that have published fabricated, falsified, or plagiarized results.

e. Record Retention and Special Reporting

The full record of the investigation, including all reports, committee meeting and hearing proceedings, and records of testimony must be retained in a secure manner by the College for seven years following the completion of the proceeding or the completion of any DHHS or other federal agency proceeding involving the research misconduct allegation, whichever is later. The investigative record should not be archived in the personnel file of the respondent. Authorized federal agency personnel will be given access to the investigative records upon request.

ORI will be notified immediately if:

i. the health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
ii. DHHS resources or interests are threatened;
iii. research activities should be suspended;
iv. there is reasonable indication of possible violations of civil or criminal law;
v. federal action is required to protect the interests of those involved in the research misconduct proceeding;
vi. the College believes the research misconduct proceeding may be made public prematurely so that DHHS may take appropriate steps to safeguard evidence and protect the rights of those involved;
vii. the research community or public should be informed.