

**RESEARCH AND SCHOLARLY MISCONDUCT**  
Administrative Policy and Procedures for Georgia State University

**Responsible University Office:** Office of the Vice President for Research

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**Approval Date:** 8 December, 2005 by GSU University Senate

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**Section I. Introduction.**

An academic institution's primary responsibility is to create and maintain an academic environment that fosters ethical behavior in scholarship and serves to prevent misconduct in research and scholarly activities. In order to carry out this responsibility, faculty, staff, students, and visiting faculty should immediately report any evidence of misconduct in research or violations of research-related policies and regulations to the appropriate administrative officers of Georgia State University (hereafter "Georgia State" or the "University").

**Section II. Application.**

The policy and procedures set forth herein apply to all research, scholarly, and artistic activities of all University employees and others who are involved in such activities under the aegis of the University. In these instances in which it is not clear whether this policy should apply to an individual, the Vice President for Research, in consultation with the Associate Vice President for Research Integrity and Legal Affairs, will adjudicate the question.

**Section III. Definitions.**

- A. "Research Misconduct" for the purpose of this policy shall mean the fabrication or falsification of data, research procedures, or data analysis; destruction of data for fraudulent purposes; plagiarism; abuse of confidentiality; or others fraudulent actions in proposing, conducting, reporting, or reviewing research or other scholarly activity. It is particularly important to distinguish misconduct regarding scholarly and creative activities from honest error and the ambiguities of interpretation that are inherent in the scientific and scholarly process, but are normally corrected by further research.

Intent has been deliberately omitted as part of this definition, but should be considered if any disciplinary action is recommended.

Misconduct regarding scholarly and creative activities includes, but is not limited to, the following acts:

- (1) the intentional fabrication or falsification of research data;
- (2) the omission in publications of conflicting and/or non-confirming observations or data;
- (3) the theft of research methods or data from others;
- (4) the plagiarizing of research ideas, research results, or research publication(s);
- (5) the attribution to oneself of authorship or creation of the creative works of another; or

Scholastic dishonesty, as differentiated from misconduct regarding scholarly and creative activities defined by this policy, by a student in the performance of academic work is a violation of the Student Conduct Code. Complaints of alleged scholastic dishonesty are resolved in accordance with established collegiate and Student Conduct Code policies and procedures.

- B. **“Complainant”** shall mean the individual or individuals who submit an allegation of misconduct regarding scholarly and creative activities.
- C. **“Conflict of Interest”** means the real or apparent interference of one person’s or entity’s interests with the interests of another person or entity, where potential bias may occur due to prior or existing personal or professional relationships.
- D. **“Fabrication”** means making up data or results and recording or reporting them.
- E. **“Falsification”** means manipulating research materials, equipment, or processes, or changing or omitting data or results, such that the research is not accurately represented in the research record.
- F. **“Fraud”** means fabrication, falsification, or plagiarism in research or the conduct of any of the acts listed under the definition of “misconduct regarding scholarly and creative activities”.
- G. **“Inquiry”** means gathering information and initial fact-finding to determine whether an allegation or apparent instance of “Misconduct regarding scholarly and creative activities” or a Regulation/Policy Violation warrants an investigation.
- H. **“Investigation”** means the formal examination and evaluation of all relevant facts to determine if Misconduct regarding scholarly and creative activities or a Regulation/Policy Violation has occurred and, if so, to determine the responsible person and the seriousness of the Misconduct regarding scholarly and creative activities or Regulation/Policy Violation.
- I. **“Plagiarism”** means the appropriation of another person’s ideas, processes, results, and/or words without giving appropriate credit.

- J. **“Research Record”** means any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of misconduct regarding scholarly and creative activities. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.
- K. **“Respondent”** shall mean the individual or individuals against whom the allegations have been submitted.
- L. **“Sponsored Research”** means research that is funded by a source external to the University such as the federal government, other governmental agencies, foundations, corporations or other third parties.

#### **Section IV. General Procedures**

##### **IV.1. Responsibility.**

The University has the responsibility to pursue an allegation of misconduct regarding scholarly and creative activities and shall carry out this responsibility fully to resolve questions regarding the integrity of the scholarly activity. In an inquiry and any investigation that may follow, the individuals involved in considering the case shall focus on the substance of the issues and shall be vigilant to prevent any personal conflicts between colleagues from obscuring the facts.

##### **IV.2. Confidentiality**

All parties involved are afforded confidential treatment to the maximum extent permitted by applicable law. All parties involved shall make every reasonable effort to exercise discretion when dealing with issues related to an allegation. However, once misconduct regarding scholarly and creative activities allegation is forwarded to the VP for Research, the confidentiality of the matter can no longer be guaranteed. The VP for Research and the Associate VP for Research Integrity will exercise discretion in dealing with the complaint at the University level. Every reasonable measure will be taken to protect the complainant from retaliation (see Section X).

##### **IV.3. Responding to Allegations**

In responding to allegations of research and scholarly misconduct, all University officials with an assigned responsibility for handling such allegations will make diligent efforts to ensure that the following functions are performed.

- A. Any assessment of an allegation, inquiry, or investigation is conducted in a timely, objective, thorough, and competent manner.
- B. Reasonable precautions are taken to avoid bias and real or apparent conflicts of interest on the part of those involved in conducting the inquiry or investigation.

- C. Interim administrative actions are taken, as appropriate, to protect Federal funds and the public health, and to ensure that the purposes of the Federal financial assistance are carried out.

**IV.4. Timely Investigation.**

The University is committed to conducting the investigation as expeditiously as possible and it is expected that the process should be completed within 120 days. However, the nature of some cases may render that schedule difficult to meet. If the investigatory committee determines that the deadline cannot be met, it will request an extension, which the President grants or denies. If necessary, the Vice President for Research submits a report to the sponsoring agency regarding this action.

**IV.5. Documentation.**

From the time the allegation is received, all activity related to the case will be carefully documented. All individuals who are contacted will be assured that, as much as possible, the privacy of their comments will be maintained. In turn, all individuals involved with the case are expected to sustain the privacy of the case. The Associate Vice President for Research Integrity shall promptly attempt to locate and secure the originals of all relevant research data if it is ascertained that such data will be part of the case. Supervised access to the data will be available to all those investigating the case and the respondent. The Associate Vice President for Research Integrity also shall chart the elements of the case as it is understood at that time.

**IV.6. Evidentiary Standards**

The following evidentiary standards apply to findings of scientific misconduct made under these policies and procedures:

- A. Burden of Proof: the burden of proof for making a finding of research and scholarly misconduct is on the University.
- B. Standard of Proof: Any finding of research and scholarly misconduct will be established by a preponderance of the evidence. This means that the evidence shows that it is more likely than not that the respondent committed scientific misconduct.

**IV.7. Completion in Absence of Respondent.**

Even if the respondent leaves the University before the case is resolved, the Associate Vice President for Research Integrity on behalf of the University, when possible, continues the examination of the allegation and will reach a conclusion. Further, the University shall cooperate with the process of another institution or agency to resolve such questions to the extent permissible under federal or state law.

**Section V. Preliminary Assessment and Submission of Allegations.**

**V.1. Assessment by Associate Vice President for Research Integrity**

Before submitting an allegation, a potential complainant is encouraged first to meet privately with the Associate Vice President for Research Integrity. The purpose of the meeting is to provide advice to the complainant on whether the case is one of misconduct regarding scholarly and creative activities or should be resolved under another policy; by other deliberative or mediation procedures; or by other specialized committees, such as the Institutional Review Board (human subjects), or the

Institutional Animal Care and Use Committee, or other University-related groups or entities.

**V.2 Submission of Allegations.**

- A. Within 10 working days of having sought advice from the Associate Vice President for Research Integrity, the complainant must inform the AVP if an allegation will be filed. If filing an allegation, the complainant shall submit a written allegation to the Vice President for Research.
- B. After meeting with the complainant, the AVP may have the responsibility of submitting an allegation if the complainant chooses not to make a formal allegation and the Associate Vice President for Research Integrity believes there is sufficient cause and evidence to warrant an inquiry. In such a case, the Associate Vice President for Research Integrity will draft a written report (allegation) to be submitted to the Vice President for Research.
- C. In some instances, the institution may receive external notification of an allegation against a faculty member. This external individual or entity will become the complainant and will be required to submit a written allegation to the Vice President for Research. If the external party is unwilling or unable to file a written complaint, if the Associate VP for Research Integrity believes to the best of his/her knowledge such a complaint is warranted, then s/he will draft a report (allegation) that will be submitted to the VP for Research.

**Section VI Inquiry into the Allegation**

**VI.1. The Purpose and Process of an Inquiry.**

When an allegation or a complaint involving the possibility of misconduct regarding scholarly and creative activities is made, the Associate Vice President for Research Integrity initiates an inquiry, which is the first step of the review process. The individual that is the subject of the allegation or complaint is notified of the initiation of an inquiry. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation into the charge is warranted. The Vice President for Research and the Office of Legal Affairs provides advice on the appropriate procedures. An inquiry is not a formal hearing or an in-depth analysis of the allegation; it is designed to separate allegations deserving further investigation from frivolous, unjustified, or clearly mistaken allegations. As soon as sufficient information is obtained that indicates an investigation is warranted, the inquiry process terminates, and an inquiry report is prepared. It is the responsibility of the Vice President for Research to ensure that the inquiry is conducted in a fair and just manner.

Based on their assessment of the allegation and the outcome of the inquiry, including but not limited to, supporting documentation, the Vice President for Research in conjunction with the Office of Legal Affairs and the Associate Vice President for Research Integrity will determine whether a formal investigation is necessary.

**VI.2. Finding of Sufficient Evidence to Proceed.**

If the initial inquiry finds that either sufficient evidence exists to proceed with an investigation or that the allegations need investigation beyond a limited inquiry, the Associate Vice President for Research Integrity will indicate to the Vice President for

Research that an investigation should be instituted. The Vice President for Research will then recommend to the President that a formal investigation committee should be appointed.

**Section VII. Investigation of Misconduct.**

**VII.1. Appointment of the Investigatory Committee.**

The Vice President for Research will notify the President of a need for an investigation regarding the allegations that have been made and confirmed by his/her office. If the President wishes to have the case examined by a committee, then the President will convene a committee to investigate the allegation/complaint comprised of individuals with the appropriate scientific, scholarly, or artistic expertise on the issues in question. The Associate Vice President for Research Integrity and a representative from Legal Affairs will serve as ex-officio members of the committee investigating the allegations.

**VII.2 Charge to Investigatory Committee.**

The Vice President for Research shall provide the panel with an explicit charge from the President for the investigation and will serve as Chair of the Committee. The University's Office of Legal Affairs advises the chair of the panel on the appropriate protocol and practices that should be followed. The Vice President for Research notifies the complainant and respondent when the investigation phase of this procedure commences. The respondent may seek the assistance of an advisor (legal counsel or another individual) at this point, if assistance has not already been sought. All parties involved shall cooperate with the proceedings in providing information relating to the case.

**VII.3. Investigation by the Committee.**

The committee examines any materials it deems appropriate to determine whether there is evidence that misconduct regarding scholarly and creative activities has occurred. All faculty, staff, and students are obligated to cooperate with the panel by supplying requested documents and information.

**VII.5. Relevant Information.**

Any information relevant to the allegations shall be submitted to the panel upon request and may include, but are not limited to:

- A. research notes, papers and notebooks, logs, source documents, computer printouts, and machine-readable materials;
- B. a list of all current and former collaborators and coworkers;
- C. a list of published abstracts, papers, and books; and copies of abstracts, papers, and books pending publication;
- D. a list of reports and grant applications submitted to outside foundations and funding agencies and copies of such reports and applications;

- E. other pertinent scientific or scholarly data including electronic communication the panel deems necessary; and
- F. Any relevant written or oral evidence in the case.

**VII.6. Recording of Interviews.**

All interviews conducted during this investigative phase by the committee shall be tape recorded. The committee first approves a transcript and then submits it to the interviewed person for comment.

**VII.7. Respondent's Response.**

The committee provides all necessary information to the respondent in a timely manner to facilitate the preparation of a response. The respondent has the opportunity to address the charges and evidence in detail at the inception and at the close of the committee's activities during the investigative phase of this procedure.

**VII.8. Respondent's Defense.**

If the respondent wishes to have an advisor present during the interview with the panel, notice of the advisor's participation should be submitted to the panel at least 48 hours prior to the interview. The respondent shall have the opportunity to provide evidence, request expert witnesses, identify witnesses directly involved in the case, and be directly interviewed.

**VII.9. Timely Investigation.**

The committee conducts the investigation as expeditiously as possible and generally completes it within 120 days. However, the nature of some cases may render that schedule difficult to meet. If the committee determines that the deadline cannot be met, it requests an extension, which the President grants or denies. If necessary, the Vice President for Research submits a report to the sponsoring agency regarding this action.

**VIII. Committee's Report on the Investigation.**

**VIII.1. Report of Investigation.**

Upon completion of the investigation the committee produces a written report that states the evidence reviewed, summarizes relevant interviews, and includes the conclusion of the inquiry. The report shall be sufficiently detailed regarding the reasons for determining that an investigation is not warranted, if such is the case. The committee's written report is then referred to the Provost and the respondent. The respondent has 10 working days to review the report and submit written comments to the Provost. Summaries of all interviews and data examined by the panel will be made available for the respondent to review.

**VIII.2. Criminal Violations.**

If anyone obtains information at any stage of the investigation that reasonably indicates the occurrence of possible criminal violations, the Vice President for

Research shall notify the appropriate office of the sponsoring agency and the appropriate law enforcement officials within 24 hours.

**IX. Findings and Proposed Resolution.**

**IX.1. Findings.**

Upon receipt of the Committee's report, the Provost shall review the committee's report and determine whether to accept all or part of the Committee's recommended sanctions. There are two possible findings that may result:

- A. that no misconduct regarding scholarly and creative activities was found; or
- B. that misconduct regarding scholarly and creative activities was committed.

**IX.2 Disciplinary Action.**

For those cases in which the Provost makes a finding of misconduct regarding scholarly and creative activities, the Provost may uphold the Committee's findings and sanctions or impose other disciplinary action(s) within 15 working days of receiving the report. The Provost may consult with the Committee in arriving at a decision. According to the Faculty Handbook, examples of disciplinary actions may include (but are not limited to):

- A. oral reprimand with no permanent record;
- B. letter of reprimand that becomes part of the respondent's permanent record;
- C. special monitoring of future work;
- D. removal from a particular project;
- E. probation;
- F. suspension;
- G. rank reduction; or
- H. termination of employment.

**IX.3 Notification of Outcome.**

The Provost shall notify the complainant and other concerned parties of the disposition of the investigation within 15 working days of receiving the final report. The Provost will discuss with the respondent the appropriateness and desirability of notifying other individuals or agencies about the outcome of the investigation.



**IX.4. Response to Disciplinary Action.**

The respondent may accept the disciplinary action or request an appeal, first to the President, and then to the Board of Regents within 10 working days after receipt of the President's actions.

**IX.5. Finding of No Misconduct.**

If the Provost determines that there was no misconduct regarding scholarly and creative activities, the Provost will notify the respondent within 15 working days of receiving the final report. The process shall be considered completed, with no disciplinary action taken by the University. New evidence may be an appropriate basis to initiate a new inquiry/investigation.

**IX.6. Clearing the Respondent's Record.**

If the Provost determines that there was no misconduct regarding scholarly and creative activities, the Provost will take the appropriate steps to clear the respondent's record. The Provost will ensure that all materials related to the case are removed from the respondent's personnel files and address any concerns related to clearing the respondent's record.

**IX.7. Secrecy.**

All records related to this case shall be maintained privately and securely under the supervision of the Provost for at least seven years. All parties involved in the case shall be reminded that, except as required by federal and state law, all information about the case cannot be released outside the institution unless and until:

- A. the allegations results in a finding of misconduct;
- B. final discipline is imposed; and
- C. all avenues of appeal (if pursued) have been exhausted.

**IX.8. Records of Misconduct.**

The Vice President for Research retains the records of the investigation. Even when no culpable misconduct was found but serious erroneous information was published, the Vice President for Research shall consider means to correct the published record affected by the alleged misconduct.

**IX.9. Investigation Records.**

Records of the investigation and possible hearing include all documentation reviewed by the panel, summaries of witness interviews, and the findings of the panel.

**Section X. Retaliation.**

It is University policy that no one shall retaliate against individuals who acted in good faith in reporting or providing information about suspected or alleged misconduct.

When a complaint has been brought in good faith, even if mistakenly, the University will seek to protect the complainant against retaliation. Individuals who provide information to assist in resolving of an inquiry or investigation also are protected by these same guidelines. Individuals engaging in acts of retaliation are disciplined according to the appropriate University policies.

**Section XI. False Accusations.**

If the allegations of misconduct regarding scholarly and creative activities are found to be maliciously motivated, appropriate disciplinary actions shall be taken against those responsible. If the allegations, however are incorrect, and are found to have been made in good faith, no disciplinary measures will be taken.

**Section XII. Georgia Open Records Act (O.C.G.A. 50-18-70).**

This act governs access to and release of all data collected, created, received, maintained, or disseminated by public entities, including Georgia State University. The University will adhere to the requirements of the Georgia Open Records Act with respect to all actions taken and all information generated in the course of an misconduct regarding scholarly and creative activities inquiry and/or investigation under this policy.

**Section XIII. University Administrative Actions.**

**XIII.1. Notification of Sponsoring Agency.**

If the agency or entity sponsoring the academic activity requires notification of suspected misconduct regarding scholarly and creative activities, the Vice President for Research notifies, or initiates notification to that agency as soon as the decision has been made to undertake an investigation. Significant developments during the investigation, as well as the final determination of the case shall be reported to the sponsor when required. If at any stage during the investigation there is a reasonable indication of possible criminal violations, the Vice President for Research shall notify the appropriate office of the sponsoring agency, and the appropriate law enforcement officials within 24 hours. The Vice President for Research also notifies the sponsoring agency during the investigation if emergency conditions exist as defined under federal regulations.

**XIII.2. Interim Administrative Action.**

As provided by federal regulations (42 CFR, part 50, subpart A and 45 CFR, part 689), at any stage in the process of inquiry, investigation, formal finding, and disposition, the University may take interim administrative action to protect federal funds. The University reserves the right to take interim administrative actions to protect:

- A. the health and safety of research subjects and patients; and
- B. the interests of students and colleagues;

Such actions may range from slight restrictions to reassignment of the activities of the respondent. In extreme circumstances, the respondent may be suspended

temporarily. Any actions shall be in accordance with the procedures specified in the Faculty Handbook. Interim administrative actions shall be taken in full awareness of how they might affect the respondent and the ongoing research projects of the University.

**XIII.3. Special Emergency Notifications.**

The Public Health Service must be informed at any stage of an inquiry or investigation if any of the following are discovered:

- An immediate health hazard
- An immediate need to protect federal or University funds or equipment
- An immediate need to protect those making an allegation
- A likelihood that an alleged incident is going to be reported publicly
- A reasonable indication of possible criminal activity.

In the case of suspected criminal activity, PHS requires notification within 24 hours.

In special emergency circumstances as defined above, the college Dean should attempt to reach the Vice President for Research (by phone, if necessary; in writing, if possible). However, each Dean is authorized to make such reports directly to the agency, and to so inform the Vice President for Research afterwards, if, in the judgment of the Dean, such action is necessary.

**Academic Misconduct Process**  
 Georgia State University  
 10/05/05

