

## POLICY

Effective Date: June 6, 1992

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Approved By: President Bruce Shepard

Authority: [42 USC Sec.1862o-1](#); [42 CFR 93](#)

Revises: POL-U4520.02 Misconduct in Research and Scholarship

See also: [PRO-U4520.02](#) Addressing Responsible Conduct of Research  
[POL-U5400.05](#) Using University Resources  
[RCW 42.40](#) Whistle Blower Protection Act

### **POL-U4520.02 ADDRESSING RESPONSIBLE CONDUCT OF RESEARCH**

***This policy applies to faculty, staff, students, and others engaging in research and scholarly activity using Western Washington University resources.***

#### ***Definitions:***

**Fabrication**: Making up data or results and reporting them.

**Falsification**: 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.

#### **Finding of Research Misconduct:**

- a significant departure from accepted practices of the relevant research community;
- the misconduct committed intentionally, knowingly, or recklessly; and
- the allegation is proven by a preponderance of evidence.

**Inquiry**: Information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants investigation. Must be completed within **sixty (60) calendar days** of the initiation of the inquiry unless there are documented reasons for an extension of time.

[42 CFR 93.307\(d\)\(2\)\(g\).](#)

**Investigation**: Formal examination and evaluation of information to determine if misconduct has occurred. Must be completed within **sixty (60) calendar days** of the initiation of the investigation unless there are documented reasons for an extension of time. 42 CFR 93.307(d)(2)(g).

**Malicious**: An act done maliciously is one that is wrongful and performed willfully or intentionally, and without legal justification.

**Plagiarism**: The appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

**Principal Investigator (PI) or Project Director (PD)**: Person responsible for proper management of sponsored agreements.

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**Research:** A systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research).

**Research Misconduct:**

- a) Fabrication, falsification, or plagiarism is used in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion;
- b) Willful failure to comply with federal, state, or university requirements for i) for protecting researchers, involved research employees, and/or engaged students, ii) human subjects, and the public during research and iii) concerning the humane treatment of, and/or animals in research.
- c) Use of university resources such as research funds, facilities, faculty, staff, or students for unauthorized and/or illegal activities.

**Responsible Conduct of Research Panel:** Panel responsible for investigating allegations of research misconduct. The panel is comprised of the Vice Provost for Research (Research Integrity Officer) or delegate, and three faculty members at least one of whom is outside the college, unit, or department of the accused individual(s).

**Respondent:** Person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

**Research Integrity Officer:** An institutional official who has primary responsibility for implementation of this policy and procedures.

1. **Principal Investigators (PIs) and Researchers Must Not Commit Research Misconduct**
2. **Research and Sponsored Programs (RSP) Offers Responsible Conduct of Research Training Face-to-Face and On-Line**
3. **Individuals with Knowledge, Concerns, or Evidence of Research Misconduct Must Promptly Report it to the Dean of the Respondent's College or the Research Integrity Officer**

Individuals may report the misconduct orally or in writing.

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#### **4. RIO is Responsible for Assessing Allegation and Determining if there is Sufficient Evidence to Warrant Inquiry**

Complainant and Respondent are entitled to a prompt and thorough inquiry.

#### **5. Complainant and Respondent Are Protected to the Extent Possible Under State Law**

Public records generated in the course of an inquiry or investigation are subject to disclosure under the state Public Disclosure Law, RCW 42.56 et seq., unless specifically subject to the law's exceptions. Respondent is entitled to Union representation.

#### **6. Retaliation is Prohibited**

No faculty, staff or student may take direct action or indirectly influence in any manner the reporting process that could impede the University's duty and commitment to responsible conduct of research. Retaliation against any individual who makes a good faith effort to make a report of research misconduct is strictly prohibited.

#### **7. RIO Takes Interim Actions as Appropriate**

- Protect federal, state, and university resources,
- Insure that the purposes of the federal financial assistance are carried out, and
- Notify any external funding agency if required by law

#### **8. RIO is Responsible for Conducting the Preliminary Inquiry and Submits Inquiry Report to the Provost**

#### **9. Respondents May Submit Additional Comments**

#### **10. Provost Determines Whether to Proceed with a Formal Investigation**

The case warrants full investigation if there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and the preliminary information-gathering from the inquiry indicates that the allegation may have substance.

#### **11. RSP Must Notify the Appropriate Federal Agency if Investigation is Warranted**

If federally funded research is involved, RSP provides the Office of Research Integrity (ORI), or other appropriate federal agencies, the written findings of the Investigation within 30 days of the finding that an investigation is warranted.

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### **12. Provost May Resolve Allegations of Research Misconduct Informally**

The university is committed to resolving complaints of research misconduct at the earliest and most informal level, conducting internal investigations in a timely and effective manner, adhering to the principles of due process in all investigations and hearings, and providing prompt corrective action if research misconduct is found to have occurred.

### **13. If a Formal Investigation is Warranted, The Responsible Conduct of Research Panel (RCRP) Investigates the Allegation of Research Misconduct**

### **14. RCRP Submits a Report of its Findings to the Provost**

### **15. Provost Reviews Report and May Proceed with Disciplinary Actions**

If the Provost determines that the alleged misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken. The actions may include but are not limited to:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found; or
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or institution of steps leading to possible rank reduction or termination of employment.

### **16. University May Proceed with Disciplinary Actions**

- a. If the panel determines the allegations of misconduct or evidence of false and malicious accusations have been substantiated, appropriate sanctions may be fashioned, subject to the appropriate procedures.
- b. The Provost and College Dean will take steps to protect the party or parties who made good faith allegations, and the individual(s) charged with misconduct if the investigation is deemed unwarranted. Also, the College Dean and the Provost will take such steps as he or she deems appropriate to repair any damage done to the reputation of individuals falsely accused.
- c. The Provost and College Dean will initiate an inquiry of the complainant in case of apparent false and/or malicious accusations. The Respondent may also request such an inquiry.

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**17. RSP Maintains All Research Misconduct Investigation Files**

RSP maintains the records of the inquiry, investigation, evidence, and reports for seven years following the outcome of the allegation of research misconduct.

**18. RSP Prepares the Annual Report to Office of Research Integrity (ORI), and Renews the ORI Assurance**

**19. Respondent May Appeal the Investigation Committee's Finding to the University President**