Background:

The Public Health Service and National Science Foundation require recipients of grants to develop policies on scientific misconduct and adopt procedures to both uncover acts of research fraud and examine allegations of misconduct in the conduct of research.

In 2005, the federal government issued a revised version of regulations pertaining to research misconduct, 42 CFR Part 93. These federal regulations require that the University assume primary responsibility for the prevention, detection and investigation of research misconduct and take action to ensure the integrity of research, protection of the rights of research subjects and the public, and observance of legal requirements related to federal research funding.

Ethical Principles:

Scientific research for the discovery of new knowledge is needed to promote the welfare of people. The nature of research is the pursuit of truth. Accuracy and validity in the collection and reporting of data are integral to the scientific process. Dishonesty in research endangers the very foundations of the academic research enterprise because it undermines the public trust, wastes public funds and damages the process of scientific inquiry itself. The maintenance of high ethical standards in research is a major responsibility of faculties and administrators of academic research organizations.

While misconduct in research is rare, violations of accepted standards do occur. Research institutions have the responsibility to provide an environment that promotes integrity as well as establishes and enforces policies and procedures that deal with allegations or evidence of scientific misconduct.

Definition:

The State University of New York College of Environmental Science and Forestry (SUNY-ESF) accepts as a base the PHS definition of scientific misconduct.

Misconduct or Misconduct in Science means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting or reporting research. It does not include honest error or honest differences in interpretations or judgments of data. Falsification of Data is defined as ranging from fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with the intent to falsify results. Plagiarism is representation of another's work as one's own. Misappropriation of Others' Ideas is the unauthorized use of privileged information, however obtained.
Policy:

SUNY-ESF has adopted the following policy regarding the responsible conduct of research in all fields throughout the College.

SUNY-ESF assumes responsibility for preventing, detecting, and dealing with scientific misconduct.

To assure fairness and rapid resolution of problems, SUNY-ESF will strongly endeavor to:

(a) ensure that the process used to resolve allegations of scientific misconduct not damage science itself;
(b) treat all parties with justice and fairness and be sensitive to their reputations and responsibilities;
(c) preserve the highest attainable degree of confidentiality compatible with an effective and efficient investigation response;
(d) maintain the integrity of the process by carefully avoiding any real or apparent conflict of interest;
(e) follow the procedures as expeditiously as possible leading to the resolution of charges in a timely manner;
(f) document the pertinent facts and actions at each stage of the process.

Procedure:

The Vice President for Research (VPR) has primary responsibility for overseeing research integrity, and shall be identified as the Research Integrity Officer (RIO) who will be primarily responsible for the correct observance of the procedures set forth below. In certain circumstances, the VPR may designate another individual as the RIO.

Reports of misconduct shall be handled in a four-stage process:

Stage 1: Inquiry - to determine whether the allegation or related issue warrants further investigation;
Stage 2: Investigation - when warranted, to collect and examine all pertinent evidence;
Stage 3: Finding – a formal determination on the allegation; and
Stage 4: Administrative Action - appropriate administrative action on the matter.

1. "Inquiry" means information gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation. The VPR must notify the PHS Office of Scientific Integrity of the various stages of an inquiry or investigation for PHS-supported research. Allegations of research misconduct that do not involve PHS-supported research will be forwarded to the appropriate federal research agency(ies).
1.1 The contact person for allegations of research misconduct is the Research Integrity Officer (RIO). The contact person shall be responsible for securing and maintaining written records for all allegations.

1.2 An inquiry shall be made into any allegation that the initiator (the person making the allegation) provides in writing to the RIO. The purpose of this inquiry is to determine whether a full investigation is warranted. An allegation containing the following information is most useful:

- Name of respondent(s)
- Name of whistleblower(s)
- Names of witnesses
- Description of misconduct
- When misconduct occurred
- Where misconduct occurred
- Supporting documentation
- Grant number or title
- Funding source

1.3 The RIO will provide written notification to the respondent(s) (person(s) about whom the allegation is made) of the complaint, the nature of the inquiry and the procedures to be followed, and of the respondent’s right to submit a written response to the allegation. If possible, the confidentiality of the initiator will be maintained.

1.4 All pertinent information, inclusive of expert opinions and records, may be requested by the RIO. The respondent(s) and all involved individuals are expected to cooperate by supplying such requested documents and information.

1.5 The RIO may invite for consultation the cognizant department chair(s), the Faculty Governance Committee on Research (FGCR), other appropriate members of the SUNY-ESF community, and one individual from outside of SUNY-ESF who is qualified to evaluate the particular issues of concern in the allegation. He/She will also endeavor to complete the inquiry and submit a written report of the outcome to the ESF President within 30 days of the written notification to the respondent(s) that an inquiry has been initiated. If this deadline cannot be met, the RIO will file a report of progress to date and an anticipated timeframe with the SUNY-ESF President. All involved individuals shall be informed of the latter. If the inquiry cannot be completed within 60 days, the record of the inquiry will give the reason(s) for the deviation.

1.6 The RIO will be responsible for communication of the findings to the respondent(s) and determine, on the basis of the written report of the inquiry, if any other consultation is deemed necessary and if the allegations warrant a formal investigation. In either case, the reasons for the decision will be fully documented.
1.7 If the RIO, in consultation with the previously contacted faculty members, the FGCR, and others, decides that an investigation is not warranted, he/she will seal all files and notify all those concerned of the determination in writing. Diligent efforts will be undertaken, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed and to protect the positions and reputations of those persons who, in good faith, made allegations.

1.8 If the RIO, in consultation with previously contacted faculty members, the FGCR, and others, decides that an investigation is warranted, it will be undertaken within 30 days of the completion of the inquiry. The respondent and initiator will be informed in writing of the determination, and the RIO will notify the respondent’s chair and the VP for Academic Affairs, as well as external funding agencies and governmental offices as contractually required.

1.9 Regardless of the outcome of the inquiry, the respondent(s) will be afforded the opportunity to comment on any allegations and findings of the inquiry.

1.10 Records of the inquiry will be used in an investigation, in the event it is warranted (see Item 2, below).

2. “Investigation” means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

2.1 The RIO, within thirty days of the inquiry report, will appoint a Misconduct Investigation Panel, comprised of persons who have no conflicts of interest with the respondent and have research backgrounds that qualify them to understand the subject matter of the alleged research misconduct. The panel will consist of a minimum of three persons, at least one of whom must be a faculty member. The respondent(s) may challenge the appointment of any panel member within fourteen days of written notification of panel membership, on the grounds that the member does not meet the above criteria. SUNY-ESF panel membership would include:

a. RIO
b. Chair(s) of the appropriate academic department(s)
c. Other administrators as appropriate
   (Possibly one or more individuals from outside the College who are qualified to evaluate the particular issues of concern in the allegation).

2.2 The RIO will immediately proceed to collect and secure all materials necessary for the investigation, and shall define the subject matter of the investigation in a written charge to the investigation panel. The RIO may change the subject matter during the investigation if substantive new material is discovered by the investigation panel; the panel must notify the VPR of such new material (if the VPR has designated another individual as the RIO).

2.3 The RIO will convene the first meeting of the investigation panel and will arrange staff assistance to the panel. The RIO will designate a chair at the first meeting of the panel.
2.4 The RIO will inform the subject(s) of the investigation of the accusations, and that a formal investigation shall be conducted, and invite the subject(s) to make a written response to the allegations.

2.5 The RIO and/or Panel Chair shall consult, as the need arises, on an ad hoc basis with faculty members of his/her choice during the formal investigation.

2.6 All parties to the investigation are expected to submit any additional data requested by the chair of the panel.

2.7 The respondent(s) will have an opportunity to address any new charges or evidence, whereas any collaborators in the research under investigation will have an opportunity to comment orally and/or in writing.

2.8 The panel shall present a written report to the RIO and VPR within 90 days of its appointment. This report will contain an explicit finding of fact with respect to each allegation in the investigation charge listing the supporting evidence, and will describe the investigative process used. The report will also state the panel’s conclusions as to whether any of the proven allegations violate research integrity. Investigation will be completed within 120 days or an extension must be justified by the RIO.

2.9 The RIO will provide a copy of the report to the respondent(s) for comment. The respondent(s) may submit written comments to the RIO, which will be included in the report as an addendum. If the respondent(s) chooses not to comment, and the investigation finds evidence of misconduct, a summary of the views of the respondent(s) as recorded in the transcript of the investigation will be included in the report as an addendum.

2.10 If the investigation cannot be completed within 120 days of its initiation, all involved individuals will be informed of the anticipated timeframe. If PHS funds are involved, the VPR shall submit a written request for extension to the OSI explaining the delay, providing a progress report and estimating the date of report completion. If the request is granted, the VPR will submit periodic progress reports to the OSI in compliance with 42 CFR 50.104(a)(5).

3. “Finding”

The VPR will submit to the President the final report of the investigation, with any written comments of the respondent(s), through the Provost, Executive Vice President, together with the VPR’s recommendations. When PHS funding is involved, the VPR will submit this final report also to the PHS Office of Scientific Integrity (OSI).

4. “Administrative Action”

In the case of unsubstantiated charges, the SUNY-ESF Administration will undertake diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed, and to protect the positions and reputations of those persons who, in good faith, made the allegations. All files relating to the case will be sealed.
In the case of substantiated charges, the SUNY-ESF President:

4.1 Will notify the Research Foundation of the investigation's findings.

4.2 May, at his/her discretion, institute disciplinary proceedings when it is deemed appropriate. Article 19 of the UUP Agreement shall be the sole source of discipline for members of the UUP-represented unit.

For non-UUP represented individuals, disciplinary sanctions may include termination or alteration of the employment or academic status of persons against whom charges have been substantiated, and must be consistent with the established SUNY-ESF and Board of Trustees policies, and any applicable collective bargaining agreement.

4.3 Will notify the editors of all journals or books in which research results of the indicted project(s) have been published or are under consideration for publication.

Upon completion of disciplinary proceedings, the President will report to the appropriate SUNY offices or bodies and, when PHS funding is involved, the OSI regarding the adequacy of the procedures for handling such cases.

Notification of Other Agencies During the Process:

1. Criminal Activities: If any criminal activities are discovered or claimed during inquiry or investigation, University Counsel shall be informed.

2. Federal-Sponsored Research: Federal agencies will be kept informed of all inquiries and investigations as required contractually. Specifically,
   a. In the early inquiry stage, if there is one or more of the following:
      An immediate health hazard;
      Need to protect sponsor resources;
      Need to protect human or animal subjects;
      Need to protect person reporting misconduct.
   b. When the VPR/RIO recommends an investigation
   c. The findings of the investigation and the institutional sanctions.

5. “References”

DHHS ORI Introduction to the Responsible Conduct of Research
http://ori.hhs.gov/ori-introduction-responsible-conduct-research

SUNY-RF Conflict of Interest Policy

National Science Foundation Responsible Conduct of Research
ACTION: NSF's Implementation of Section 7009 of the America COMPETES Act.
[Federal Register Volume 74, Number 160 (Thursday, August 20, 2009)]

SUNY-RF Procedure for Investigating Fraud and Misconduct:
http://www.rfsuny.org/media/RFSUNY/Procedures/procedure_invetigating_fraud_misconduct06302012.htm

The State University of New York Statement on Research Integrity
http://system.suny.edu/compliance/topics/research/research-integrity/

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Appreciation is expressed to the many persons who have made contributions to the development of this document. This Policy has been developed by the Vice President for Research in close consultation with the Faculty Committee on Research who endorsed the essential parts. These were subsequently ratified by a vote of the College Faculty in its meeting of April 19, 1990 The SUNY Offices of University Counsel and Employee Relations reviewed and commented on the final draft.