

Scientific Misconduct Policy

From the Colgate Faculty Handbook

Scientific Misconduct The Health Research Extension Act of 1985 (P.L. 99-158) requires applicant organizations to establish a set of administrative procedures for investigating reports of scientific misconduct in biomedical and behavioral research occurring within the organization. The Public Health service defines “scientific fraud” as “(1) serious deviation, falsification, or plagiarism, from accepted practices in carrying out research or in reporting the results of research; or (2) material failure to comply with Federal requirements affecting specific aspects of the conduct of research, e.g., the protection of human subjects and the welfare of laboratory animals.”

Accordingly, the following procedures were established by the Dean of the Faculty in January 1990 to comply with Federal Final Rule 42 CFR Part 50, as published as 54 FR 32446, August 8, 1989.

a. Inquiry Whenever a suspected case of scientific misconduct arises, the particulars are to be reported immediately to the Dean of the Faculty. The Dean, or a delegate, will promptly initiate an inquiry to determine whether or not there is sufficient evidence of possible misconduct to conduct a formal investigation of the charges. The inquiry and written report (part c below) shall be completed within 60 days of receipt of the allegation.

b. Investigation If an inquiry of alleged scientific misconduct provides sufficient basis for conducting a full investigation, such investigation shall begin within 30 days of the completion of the inquiry, and shall be completed, including preparation of the written final report, no later than 120 days after it is begun.

The investigatory panel shall consist of four persons: an Associate Dean of the Faculty, the Director of the Division of Natural Sciences and Mathematics, a faculty member chosen by the Dean, and a faculty member chosen by the faculty member against whom the allegations have been made. The two faculty members should be persons familiar with the discipline in which the alleged misconduct has arisen, but must not be persons who have been involved in the conduct of the research project or who have any other apparent conflict of interest. The need for impartiality and objectivity must be honored.

The investigatory panel will be permitted to obtain the advice and testimony of experts, either from within or without the University, when that becomes important to the proper conduct of an investigation.

c. Record keeping and reporting Written records shall be kept of each inquiry and its result, and of each subsequent investigation and its result. These records, and all appropriate documentation, shall be kept on file in the Dean’s Office for at least five years after completion of the inquiry or investigation, or at least three years after the acceptance of a written final report of an investigation by a federal funding agency, whichever is later. These records must be provided upon request to any federal agency which provided funding for research projects related to the alleged scientific misconduct.

When an inquiry into an allegation of scientific misconduct results in a finding that there is cause for a full investigation, any external agency which provided funding for a research project related to the alleged scientific misconduct will be promptly

notified that an investigation is to be conducted. The University will cooperate with the funding agency to protect unexpended funds and to insure that the purposes for which funding was provided are being carried out.

When an investigation of alleged scientific misconduct discloses facts that are relevant to the consideration of pending requests for continued research funding from an external agency, those facts will be conveyed to that agency promptly. If evidence of criminal wrongdoing is found, that evidence will be forwarded to the agency within 24 hours.

At the completion of an investigation into alleged scientific misconduct, a full written report which thoroughly documents the investigative process and findings will be sent to any agency which funded research related to the case.

d. Protections Under all of the proceedings described above, utmost care will be given to protect, to the maximum extent possible, the positions and reputations of persons who have in good faith brought forward allegations of scientific misconduct, and of persons who have provided documentation, testimony or evidence.

Likewise, these same protections shall extend to persons against whom allegations of scientific misconduct have been made but not confirmed. Any inquiry or investigation arising from allegations of misconduct should be carried out with the utmost concern for confidentiality. Any person against whom allegations are made must be given the opportunity to review and respond to the allegations and any evidence produced in either an inquiry or an investigation. Should the reputation of any person be damaged by an inquiry or investigation in which allegations of misconduct are not confirmed, the University shall make sincere efforts to restore that person's reputation.

e. Sanctions When an investigation confirms that scientific misconduct has occurred, the President will be informed of the details and will impose appropriate sanctions.