

**Safeguards**

No person shall suffer harassment, retaliation, or adverse employment consequence for reporting in good faith what s/he perceives to be wrongdoing, violations of law, or unethical conduct. This protection extends to those whose complaints are made in good faith, but prove to be mistaken.

An employee who retaliates against someone who has reported a violation in good faith will be subject to discipline.

Persons who make bad faith, knowingly false, or malicious complaints, reports or inquiries, or otherwise abuse this policy will be subject to discipline.

***This policy supersedes and replaces in its entirety any prior policy. Bethel University and Bethel University Foundation reserve the right to modify or amend this policy at any time.***

(Effective 10/1/2009)

**4.28 Research Misconduct Policy****Research Misconduct****I. Introduction****A. General Policy**

Bethel University encourages faculty to participate in scholarship and research activities as maybe appropriate to their individual disciplines. Bethel shares in the long tradition of Christian liberal arts colleges and universities that have advanced the thresholds of human knowledge as one aspect of Christian service to the community. The pursuit of such scholarship and research demands the highest standard of honesty and integrity. These principles are implicit in the *Bethel Covenant for Life Together* and are explicitly restated in this policy document in order to assure the Bethel community, scholars and sponsors of research that academic misconduct of any nature will not be tolerated. This policy is implemented to ensure that allegations of misconduct will be handled appropriately, while safeguarding the rights of all concerned.

**B. Scope**

This document applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) involving:

- All individuals who may be involved with a research project, including, but not limited to, faculty, graduate/undergraduate students, staff, employees, contractors, visiting scholars, and any other member of the University's academic community; and

- (1) Engaged in research, including but not limited to, biomedical or behavioral research, research training or activities related to that research or research training, (2) applications or proposals to engage in research, research training or activities related to that research or research training, or (3) plagiarism of research records produced in the course of research, research training or activities related to that research or research training. This includes any research proposed, performed, reviewed, or reported, or any research record generated from that research.

This statement of policy does not apply to authorship or collaboration disputes and applies only to allegations of research misconduct that occurred within six years of the date the University receives the allegation.

## II. Definitions

### **Research Misconduct**

The fabrication or falsification of data, research procedures, or data analysis; destruction of data for fraudulent purposes; plagiarism; abuse of confidentiality; or other fraudulent actions in proposing, performing, reviewing, or reporting the results of research or other scholarly activity. It is particularly important to distinguish academic misconduct from honest error and the ambiguities of interpretation that are inherent in the scientific and scholarly process, but are normally corrected by further research.

### **Allegation**

A disclosure of possible academic misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to any University official.

### **Complainant**

The individual or individuals who in good faith report or provide information about suspected or alleged misconduct.

### **Deciding Officer**

The institutional officer appointed by the President of the University who makes the final determinations in the case and acts as the contact with any sponsors.

### **Fabrication**

Making up data or results and recording or 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.

### **Plagiarism**

Appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

**Research Integrity Officer (RIO)**

The institutional official, appointed by the President of the University, with primary responsibility for directing the case from allegation review through disposition of the case.

**Respondent**

The individual or individuals against whom the report or complaint has been submitted.

**Retaliation**

Any damaging action against a person based on the individual's role in reporting or providing information about suspected or alleged misconduct. Individuals alleged to have retaliated against others involved in any academic misconduct case shall be subject to the appropriate disciplinary actions according to the policies for the respective University groups.

**Sponsor**

Any external entity, including, but not limited to, a company, agencies of the U.S. federal and state governments, foundations, industry associations, and others, that supports the scholarly work upon which the allegation is based.

**III. Rights and Responsibilities****A. Research Integrity Officer**

The President of the University will appoint the RIO who will have primary responsibility for implementation of the institution's policies and procedures on academic or research misconduct. These responsibilities include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct;
- Receive allegations of research misconduct;
- Assess each allegation of research misconduct in accordance with this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- As necessary, take interim action and notify research sponsors of special circumstances, in accordance with this policy;
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with this policy and maintain it securely in accordance with this policy and applicable law and regulation;

- Provide confidentiality to those involved in the research misconduct proceeding as required by applicable law, and institutional policy;
- Notify the respondent and provide opportunities for him/her to review/comment/respond to allegations, evidence, and committee reports in accordance with this policy;
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;
- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or other institutional members;
- Keep the Deciding Official and others who need to know apprised of the progress of the review of the allegation of research misconduct;
- Notify and make reports as required by law;
- Ensure that administrative actions taken by the institution and sponsors are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards of those actions; and
- Maintain records of the research misconduct proceeding and make them available in accordance with this policy.

#### B. Complainant

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. The complainant shall be interviewed during an investigation, and be given the transcript or recording of the interview for correction.

### C. Respondent

The respondent is responsible for maintaining confidentiality and cooperating with the conduct of an inquiry and investigation. The respondent is entitled to:

- A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;
- An opportunity to comment on the inquiry report and have his/her comments attached to the report;
- Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to applicable law and the institution's policies and procedures on research misconduct;
- Be notified in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins, and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;
- Be interviewed during the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;
- Have interviewed during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, and have the information from such witnesses included in the record of investigation; and
- Receive a copy of the draft investigation report and, concurrently, a copy of, or supervised access to the evidence on which the report is based, and be notified that any comments must be submitted within 30 days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report.

The respondent should be given the opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO and/or other institutional officials, the Deciding Official may terminate the institution's review of an allegation that has been admitted, if the institution's acceptance of the admission and any proposed settlement is approved by all concerned.

#### D. Deciding Official

The DO will receive the inquiry report and after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted. Any finding that an investigation is warranted must be made in writing by the DO. If it is found that an investigation is not warranted, the DO and the RIO will ensure that detailed documentation of the inquiry is retained for at least 7 years after termination of the inquiry.

The DO will receive the investigation report and, after consulting with the RIO and/or other institutional officials, decide the extent to which this institution accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate.

### IV. General Policies and Principles

#### A. Responsibility to Report Misconduct

All institutional members will report observed, suspected, or apparent research or academic misconduct to the RIO.

At any time, an institutional member may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

#### B. Cooperation with Misconduct Proceedings

Institutional members must cooperate with the RIO and other institutional officials in their view of allegations and the conduct of inquiries and investigations. Institutional members, including respondents, have an obligation to provide evidence relevant to research or academic misconduct allegations to the RIO or other institutional officials.

#### C. Confidentiality

The RIO shall: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a misconduct proceeding.

#### D. Protecting complainants, witnesses, and committee members

Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Institutional members should immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

#### E. Protecting the Respondent

As requested and as appropriate, the RIO and other institutional officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in misconduct, but against whom no finding of misconduct is made.

During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for by the policies and procedures of the institution. Respondents may consult with legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case) to seek advice but may not bring the counsel or personal adviser to interviews or meetings on the case.

#### F. Interim Administrative Actions

Throughout the misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, sponsor funds and equipment, or the integrity of the sponsor supported research process. In the event of such a threat, the RIO will, in consultation with other institutional officials take appropriate interim action to protect against any such threat.

### **V. Specific Procedures and Timelines**

Upon the adoption of this Policy, the RIO, with the assistance of University legal counsel, shall adopt appropriate procedures to implement the directives of this policy in a manner consistent with applicable law and in line with the best practices of peer group colleges and universities engaged in the highest levels of excellence in scholarship and research.