



Eastern Kentucky University

Policy and Regulation Library

Academic Regulation: 4.4.11ACR

Responsible Office(s): Office of the Provost

Effective: April 3, 1995

Next Review Date: Spring 2031

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Misconduct in Research

Statement

The principles that govern scientific research are well established and have long been applied toward the discovery of new knowledge. High ethical standards based on these principles are a critical responsibility of faculty and administrators of academic institutions, and accuracy in the collection and reporting of data are essential to the scientific process. Dishonesty in these endeavors runs counter to the very nature of research, which is the pursuit of the truth.

The academic community is ultimately responsible to the public, and public trust in the academic community is absolutely vital. It is in the best interests of both the public and academic institutions to prevent misconduct in research and to deal responsibly with instances where misconduct is alleged.

This regulation applies to allegations of misconduct in research that are not governed by University Policy 4.4.15POL, Interim Misconduct in Public Health Services Research Policy, or other applicable federal law, regulation, award condition, or sponsor requirement. Allegations involving Public Health Service (PHS) support shall be addressed in accordance with 4.4.15POL and 42 C.F.R. Part 93. To the extent no such external authority applies, allegations shall be addressed under this regulation.

Entities Affected

- Departments
- Colleges
- Faculty
- Office of Graduate Education and Research
- Office of Academic Affairs

General Premises

1. This institution should accept as faculty members only those individuals whose career activities demonstrate the highest ethical standards. To this end, credentials of all potential faculty must be thoroughly examined in order to verify all claimed accomplishments of a candidate.
2. Since research results should always be supported by verifiable evidence, faculty and staff should maintain sufficient written records or other documentation of their studies.
3. Faculty are responsible for the quality of all research reports based on their own efforts or on the collaborative work of students, technicians, or colleagues, especially those which bear their names. No faculty member should allow his or her name to be used on any research results for which that faculty member cannot assume full professional and ethical responsibility.

Procedures

There are two separate phases involved with any misconduct charges: an inquiry and an investigation. An inquiry is the initial step after an allegation of misconduct is made. It is intended to identify groundless allegations, generally involves fewer people, and is more informal than an investigation. An investigation, on the other hand, is conducted after an inquiry has clearly established that there are sufficient grounds for a full, thorough, and formal investigation.

Inquiry

Any employee of this University who has reason to suspect any other employee of misconduct in science with regard to either the conduct or reporting of research has the responsibility of following up these suspicions via the appropriate channels.

1. Allegations of misconduct in science are to be made only on the basis of substantial evidence as opposed to insignificant deviations from acceptable practices, technical violations of rules, simple carelessness, and minor infractions. It is the responsibility of any employee who becomes aware of genuine evidence to present this, in writing, to the immediate supervisor of the individual believed to be engaged in misconduct. Such allegations are a very serious matter and all parties involved should take every possible measure to assure the rights and reputations of all individuals named in such allegations as well as individuals who, in good faith, report the apparent misconduct are carefully protected.
2. An inquiry is initiated by the immediate supervisor of the individual believed to be engaged in misconduct through a careful examination of the facts involved in the allegations, including interviews with all persons involved. If misconduct in science is suspected, the immediate supervisor of the individual in question must notify his or her immediate supervisor who must inquire further and if all supervisors agree, inform the Dean of Research. A written report shall be prepared by these supervisors stating evidence reviewed, summarizing the interviews, and including

their conclusions. The accused individual(s) shall be given a copy of that report and may comment on the report. Those written comments will be made part of the record.

3. If, after reviewing the written report, the Dean of Research concludes that the possibility for misconduct in science exists, he or she must immediately inform the Provost and Vice President for Academic Affairs, who has final responsibility for determining whether an investigation is warranted. This determination must be made within 60 calendar days of the initiation of the inquiry.
4. If the inquiry determines that it is not necessary to undertake an investigation, the written report which includes the reasons for this decision and the findings of the inquiry will be filed in a secure manner in the office of the Dean of Research for a period of three years following termination of the inquiry and shall, upon request, be provided to authorized personnel of the external agency supporting the research.
5. If the Provost and Vice President for Academic Affairs determines that the possibility of misconduct in science exists, he or she shall notify, in writing, the individual(s) accused of misconduct and immediately appoint an investigating committee. Should any vice president be suspected, the President will notify the accused and appoint a committee. It shall not take more than 30 days from the completion of the inquiry for this committee to begin its official investigation.

Investigation

1. Once the decision is made to conduct an investigation, the appointed committee members shall consist of a department chair, a dean, and three tenured faculty members who have the expertise to deal with technical aspects of the activities in question. The department chair and the dean shall be from outside the accused individual's department and college, respectively. One of the faculty members will be from the accused individual's department while the other two will be from outside the accused individual's department. The University Counsel shall act as an ex-officio and non-voting member of the committee.

The accuser, and all others having a real or apparent conflict of interest, will not be appointed to the committee. The committee will elect its own chair and the chair shall conduct meetings of this committee as frequently as may be necessary in order to determine whether or not the activities in question represent misconduct in science. All such meetings and the deliberations thereof shall be held in the strictest of confidence to protect the affected individual, or individuals. Those accused of misconduct shall be afforded an opportunity to appear before the committee to comment on allegations and/or findings of the committee. The committee should not, ordinarily, take more than 120 calendar days to complete its formal investigation, prepare a written report, and obtain comments from the individual subject(s) of the investigation. The Provost and Vice President, based on the committee findings, shall then determine what actions are appropriate pursuant to provisions of University policy.

2. Any external agency supporting the research in question shall be promptly notified in writing if the inquiry determines that an investigation is warranted. The agency

may also be given interim reports should circumstances warrant. In any event, the external funding agency will always be notified of the final outcome of a formal investigation.

3. If either the inquiry or the investigation determines the allegations to be unsubstantiated, the University will make a diligent effort to restore the reputation of those accused. Also, the University will make every possible effort to protect the position and reputations of those persons who, in good faith, made the original allegation.

Definitions

- **Inquiry:** Information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.
- **Investigation:** The formal examination and evaluation of all relevant facts to determine if misconduct has occurred.
- **Misconduct / Misconduct in Science:** Fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.

Appeals

In the event of an official finding of “misconduct in science” by the investigating committee, the accused individual shall have an opportunity to appeal. A written appeal of the committee’s decision may be made to the President of the University within 30 days of the finding and shall be restricted to the body of evidence already presented. The President will notify the appellant, in writing, within 30 days of his or her decision. The decision of the President in hearing the appeal will be final unless the committee recommends termination of an employee. In such cases, the President shall have the authority to reduce the recommended sanction and, if not, must refer the matter to the Board of Regents for further consideration.

Regulation Adoption Review and Approval

Regulation Revised

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
April 28, 2026	University Counsel	Legal Revision
May 2, 2025	University Counsel	Editorial Revision
October 18, 2024	University Counsel	Editorial Revision

Regulation Issued

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
April 3, 1995	Faculty Senate	Adopted