

# Integrity in Research & Scholarship

Academics and Research – Research

**EWU Policy 302-05**

**Authority: EWU Board of Trustees**

**Effective: December 6, 2019**

**Proponent: Vice President of Academic Affairs**

**Purpose:** Any EWU faculty, staff, or student involved in research or scholarly activities under the auspices of Eastern Washington University (EWU) are expected to conform to the accepted standards for the ethical conduct of research and scholarship within their field(s). This policy describes EWU's process for investigating and responding to allegations of misconduct in research or scholarship.

**History:** This policy was adopted by the EWU Board of Trustees (BOT) on January 20, 2011 and includes housekeeping changes approved by the Policy Administrator on March 7, 2019. An updated version was approved by the BOT on December 6, 2019.

**Applicability:** This policy applies to all faculty, staff, and students of Eastern Washington University and to any persons engaged in research activities conducted under the auspices of the University, regardless of the funding source.

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## 1. GENERAL

### 1-1. Introduction & Scope

The creation and dissemination of knowledge are primary missions of the university. Accordingly, the university encourages participation in research, scholarship and service activities which contribute to the university's educational, research, and community service mission. In all of these activities, EWU endeavors to maintain the highest standards of integrity and ethics. EWU is committed to fostering a research environment that promotes the responsible conduct of research and research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct. Under federal regulations and guidelines and by extension, university policy and procedures, EWU is obligated to carry out inquiries and, if warranted, investigations to resolve allegations of misconduct.

This policy applies to all faculty, staff and students of EWU and to any persons engaged in research, scholarship, or creative work activities conducted under the sponsorship of the University, regardless of funding source. As a recipient of funds from the Public Health Service (PHS), EWU's compliance conforms to the regulations of this agency in order to remain eligible for funding from PHS. Therefore, EWU's policy is based on the core language and associated procedures template provided by the federal Office of Research Integrity (ORI) within the US Department of Health and Human Services (DHHS) – the parent agency of PHS. EWU has elected to mirror the PHS regulations (and ORI guidance) with respect to federally sponsored research because EWU's other federal sponsors also comply with this agency's rules (DHHS, NSF, FDA, HRSA, CDC).

This policy specifically covers any research proposed, performed, reviewed or reported or any research record generated from that research regardless of whether an application or proposal for federal funds resulted in a grant, contract, cooperative agreement or other form of federal support. The applicability of this policy is not limited when research, scholarship, or creative work activities undertaken by faculty, staff and students did not involve federal support. The process for investigating allegations of misconduct, however, is different for federally sponsored research. Chapter 3 sets forth the process for investigating claims of misconduct in non-federally sponsored research or scholarship, while Chapter 4 sets forth the process for investigating claims of misconduct in federally sponsored research.

This policy applies only to allegations of misconduct that occurred within six years of the date either EWU or the federal sponsor received the allegation, subject to the subsequent use, health or safety of the public, and any other exceptions identified in 42 CFR § 93.105(b). Normally, the application of the policy and procedures detailed here follow when an allegation of possible misconduct is received by the Provost or his/her designee. Under some circumstances, a federal sponsor may require variations in this procedure. Any change in procedure must also ensure fair treatment to the subject of the inquiry or investigation.

### 1-2. Policy & Definitions

Faculty, students and staff who direct or participate in research and scholarship must do so with integrity and strict adherence to the ethical standards of this policy and related laws and regulations.

For purposes of this policy, the following definitions apply:

**Complainant** means the person or entity who submits a verbal or written complaint alleging misconduct or a violation of laws, regulations, or this policy. EWU, at its discretion, may also serve as the complainant.

**Fabrication** is making up data or results and recording or reporting them.

**Falsification** is 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.

**Federally sponsored** refers to research supported by a federal grant or contract. It includes instances where the research is directly sponsored by a federal agency as well as instances where the university is a sub-recipient or subcontractor and the research performed is subject to any federal regulations pertaining to research.

**Research** means a systematic investigation, including research development, testing and evaluation that may be designed to develop or contribute to generalizable knowledge. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

**Respondent** means the person who is alleged to have engaged in misconduct or a violation of laws, regulations, or this policy.

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

**PHS** means the Public Health Service, an operating division of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated.

### 1-3. References

- Chapter 42.52 RCW, Ethics in Public Service
- EWU Policy 901-01, Ethical Standards
- EWU Policy 401-02, Additional or Outside Employment
- 42 CFR Part 50, Subpart F, Responsibility of Applicants for Promoting Objectivity in Research for Which PHS Funding Is Sought
- 42 CFR Part 93, Public Health Service Policies on Research Misconduct
- 45 CFR Part 689, National Science Foundation Research Misconduct
- EWU Policy 901-02, Appropriate Use of University Resources
- EWU Policy 302-08, Conflicts of Interest- Research & Technology Transfer
- EWU Policy 302-07, Institutional Biosafety
- EWU Policy 302-04, Intellectual Property Management

- EWU Policy 302-03, Care and Use of Animals in Research
- EWU Policy 302-02, Human Research
- WAC 172-90, Student Academic Integrity

### 1-4. Reporting Violations

Any suspected misconduct in research, scholarship, creative works or other violation of this policy should be reported to the Provost or their designee.

### 1-5. Reprisal or Retaliation

It is a violation of this policy for any person to engage in reprisal or retaliation against an individual because that individual has, in good faith, filed a complaint, testified, assisted, or participated in any process under this policy, or has attempted to do so.

### 1-6. Confidentiality

To protect the privacy of those involved, the identity of respondents, complainants, and research subjects will be maintained in a confidential manner to the extent permitted by law. During any process within this policy, information will be disseminated on a need-to-know basis. Files subject to public disclosure will be released only to the extent required by law.

### 1-7. Discipline

Violations of this policy or the corresponding federal regulations may result, for employees, in constructive/corrective or disciplinary action, up to and including termination. Violations of this policy or the corresponding federal regulations may result, for students, in discipline, up to and including suspension or expulsion. In addition, any substantiated violation of this policy may result in a suspension of the affected project or activity, as well as one's ability to engage in future research or scholarship on behalf of the university.

### 1-8. Training

All research personnel (students, faculty, and staff) participating in a National Science Foundation, National Institutes of Health, or National Institute of Food & Agriculture supported program shall complete Responsible Conduct in Research (RCR) training. More information about this mandatory training is available from the Office of Grant and Research Development or at: <https://inside.ewu.edu/ogrd/compliance/rcr/>.

## 2. MISCONDUCT IN RESEARCH AND SCHOLARSHIP

### 2-1. General

The university assumes responsibility for resolving allegations and investigating misconduct in research, scholarship, and creative works by its faculty, staff and students. Any allegations of misconduct in research and scholarship shall be referred to the Provost. The Provost is responsible for directing inquiries and investigations of

alleged misconduct in research, scholarship, and creative works, and in meeting all reporting requirements established by federal and non-federal agencies.

## 2-2. Misconduct

Misconduct in research, scholarship, and creative works is defined as:

- a. The fabrication, falsification, plagiarism in proposing, performing, reviewing, or reporting research, scholarship, or creative works; or
- b. Failure to comply with federal, state or university requirements for
  - i. protecting researchers, human subjects and the public during research and/or
  - ii. ensuring the welfare of animals used in research; or
- c. Failure to fully credit student research assistants or other scholars who have made significant contributions to a faculty member's published or unpublished work; or
- d. Falsely crediting authors who have made no contribution to the idea, execution, analysis or reporting of the results or interpretations of scholarship or research; or
- e. Use of research funds, facilities or staff for unauthorized or illegal activities; or
- f. Adverse distortion of normal academic programs or the direction of students to expressly benefit scholarship or research, particularly those activities involving contracts or collaborations;
- g. Violation of the terms of a grant or sponsored research agreement; or,
- h. Other practices that significantly deviate from ethical principles or those that are commonly accepted within the relevant research community for the proposing, conducting, or reporting of research, scholarship or creative works.

Misconduct does not include honest error or differences of opinion.

## 3. INVESTIGATIVE PROCESS FOR ALLEGATIONS OF MISCONDUCT IN RESEARCH AND SCHOLARSHIP THAT IS NOT FEDERALLY SPONSORED

All complaints or allegations of misconduct in research or scholarship should be forwarded to the Provost. In accordance with the university's investigative guidelines, the Provost or his/her designee(s) will conduct an initial review. If the complaint alleges behavior that, if found to be true, could be misconduct or a violation of law, policy, professional ethics, or university regulations, the Provost

will proceed with an investigation as set forth in section 4-3 below. If the complaint alleges behavior that, if found to be true, could be a performance problem, the Provost can proceed with an investigation or, in lieu of an investigation, can take corrective/constructive action under the applicable collective bargaining agreement.

If the Provost determines that an investigation is warranted, the Provost or his/her designee(s) shall carry out an official investigation into the allegations of misconduct in research and scholarship. Investigations will begin within 30 days of the completion of the initial review.

The Provost will appoint an investigator to conduct an investigation in accordance with EWU Guideline 401-01 (Investigations). The Provost may appoint multiple individuals to conduct the investigation. Members of the investigative team will be carefully selected and must ensure that they have no real or apparent conflicts of interest with those persons involved in the investigation. When possible, the Provost will endeavor to include at least one faculty member or academic administrator who has the appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence.

The investigator/investigative team will prepare a final written investigative report in accordance with EWU Guideline 401-01. When allegations of misconduct have been substantiated by a preponderance of the evidence, the Provost or designee shall review the findings and determine the appropriate level of constructive/corrective or disciplinary action, if any, and any appropriate remediation in accordance with EWU Guideline 401-01. The Provost may forward issues involving students to the Academic Integrity Board or the Director of Student Rights and Responsibilities to be handled in accordance with the Academic Integrity Code and/or the Student Conduct Code.

Records of the investigation will be maintained in sufficient detail to permit subsequent assessment of that determination. Such records will be kept in accordance with the university's records retention schedule and shall, where appropriate, be provided to authorized personnel.

The procedures of this policy do not exclude other mechanisms for the review of alleged misconduct. When allegations involve the misuse of funds, the university's Chief Financial Officer or outside auditors may investigate allegations and report the findings to the proper authorities.

## 4. INVESTIGATIVE PROCESS FOR ALLEGATIONS OF MISCONDUCT IN RESEARCH AND SCHOLARSHIP THAT IS FEDERALLY SPONSORED

### 4-1. Reporting Allegations

All complaints or allegations of misconduct in research or scholarship involving federally sponsored research should be forwarded to the Provost. If the research involves federal funds, the Provost will inform the Executive Director of the Office of Grant and Research Development of the allegation, who will take appropriate interim action to protect the federal funds and ensure that the purposes of

the federal financial assistance are carried out. When required by federal law or the terms of a grant/contract, the Executive Director will promptly notify the funding agency.

Where federal funds are involved, if a termination of an inquiry or investigation is planned for any reason without completing all relevant requirements under this policy, a report of such planned termination, including a description of the reasons for such termination, shall be made to the Office of Research Integrity, US Department of Health and Human Services, which will then decide whether further investigation should be undertaken.

#### **4-2. University Inquiries into Allegations of Misconduct in Research and Scholarship**

The Provost or his/her designee(s) shall carry out a formal inquiry if the alleged conduct, if substantiated, would violate university policy or state or federal law and the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. Where university resources are insufficient to resolve the issue of alleged misconduct, the Provost may ascribe the conduct of the investigation to the agency that provided funding for the research or scholarship.

As part of the inquiry process, the affected individual(s) will be informed about the nature and proposed extent of the inquiry. The Provost or designee(s) will promptly take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct investigation, inventory the records and evidence, and sequester them in a secure manner. The Provost or designee(s) will also collect any other information needed to determine whether or not an investigation is warranted and will draft an inquiry report. As the inquiry is merely a preliminary review, the Provost or designee(s) is not required to perform a full review of the evidence. A copy of the inquiry report should be provided to the respondent. The respondent will then have seven days to review the inquiry report and submit any comments or additional evidence for consideration. After reviewing the inquiry report and the respondent's response, the Provost or designee will determine whether or not an investigation is warranted.

Inquiries will be initiated immediately upon the receipt of allegations of misconduct and completed within 60 calendar days of their initiation. This time frame may be extended if the Provost deems that circumstances of the allegations or inquiry warrant a longer period of review;

If it is determined that an investigation is not warranted, records will be maintained in sufficient detail to permit subsequent assessment of that determination. Such records will be kept in a secure manner in accordance with the records retention schedule for the federal project or seven years after the termination of the inquiry, whichever is longer, and shall, where appropriate, be provided to the relevant federal agency.

If the formal inquiry determines that there is a reasonable basis for concluding the allegation falls within the scope of this policy or applicable law and the preliminary information-gathering indicates the allegation may have substance, the Provost will initiate an official investigation.

The Provost will notify the respondent of his/her decision as to whether or not an investigation is warranted and include a copy of the inquiry report. He/she will notify the relevant federal agency prior to an investigation and within 30 days following the completion of an inquiry. If there is indication of criminal violations, the Provost will notify the relevant federal agency within 24 hours of obtaining appropriate evidence.

#### **4-3 University Investigations into Allegations of Misconduct in Research and Scholarship**

If the Provost determines under section 4-2 that an investigation is warranted, the Provost or his/her designee(s) shall carry out an official investigation into the allegations of misconduct in research and scholarship. Investigations will begin within 30 days of the completion of the initial review.

The Provost will appoint an investigator to conduct an investigation in accordance with this policy. The Provost may appoint multiple individuals to conduct the investigation. The investigation should be thorough, competent, objective, fair, and consistent with federal regulations. Members of the investigative team will be carefully selected and must ensure that they have no real or apparent conflicts of interest with those persons involved in the investigation. Any individuals involved in the investigation or decision-making process must not have unresolved personal, professional, or financial conflicts of interest with the complainant, respondent, or witnesses. When possible, the Provost will endeavor to include at least one faculty member or academic administrator who has the appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence.

The investigation will entail a formal examination and evaluation of all relevant facts to determine if misconduct has occurred. Investigations shall be completed within 120 calendar days of their initiation. If the Provost determines that a longer time frame is needed in which to complete the investigation, and federal funds are involved, he/she will submit a written request to the Office of Research Integrity, US Department of Health and Human Services, for an extension and provide an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps. If evidence of criminal violations results from an investigation, the appropriate state or federal agency will be notified immediately.

The investigator will provide the respondent with notice of the investigation and a description of the allegations. The respondent shall be given an opportunity to respond to the allegations and provide any relevant evidence. The investigator may also interview the respondent, complainant, or any relevant witnesses. Interviews should be recorded or transcribed. A copy of the recording or transcription should be given to each interviewee for review and correction. After gathering and reviewing all relevant evidence, the investigator/investigative team will create a draft investigative report. The report will state what evidence was reviewed, summarize relevant interviews, and include the conclusions of the investigation. The draft report will be provided to the respondent to review.

The individual(s) against whom the allegation was made shall be given a copy of the report of investigation and may comment on the findings. If written comments are received within 15 days of the individual(s)' receipt of the report, the investigator will consider and address the respondent's written comments before issuing a final report. The final written report must include all of the information required by federal law, such as 42 C.F.R. § 93.313.

Records of the investigation will be maintained in sufficient detail to permit subsequent assessment of that determination. Such records will be kept in accordance with the university's records retention schedule and shall, where appropriate, be provided to appropriate federal agencies.

When allegations of misconduct have been substantiated by a preponderance of the evidence, the Provost or designee shall review the findings and determine the appropriate level of constructive/corrective or disciplinary action, along with other appropriate remediation. Descriptions of the remediation and discipline imposed shall be forwarded to the appropriate state, federal, and outside funding agencies. If the allegations are not substantiated, EWU will take any action required by 42 C.F.R. § 93.304.

If the respondent files a grievance and/or appeal of the Provost's decision in accordance with any applicable collective bargaining agreement, such grievance/appeal must be completed within 120 days unless an extension is obtained from the relevant federal funding agency. Additionally, if an investigation is closed prematurely or there is a settlement, the relevant federal funding agency must be notified.