03-01.10 – Policy Regarding Allegations of Scholarly Misconduct by Faculty and Staff

I. **Policy Statement:** This policy sets forth institutional standards and practices designed to instill and promote the principles of professional integrity, to prevent scholarly misconduct, and to discover and to censure instances of misconduct when they occur, in accordance with USM policy III-1.10. Matters that fall within the scope of this policy are subject to the Implementing Procedures Regarding Allegations of Scholarly Misconduct by Faculty and Staff and cannot be grieved.

This policy applies to faculty and staff research, scholarly writing and the creation of works of art. Incidents of student scholarly misconduct within a course are addressed in the Student Academic Integrity Policy (TU 03-01.00). This policy addresses compliance with laws and regulations only to the extent that it relates to academic integrity.

II. **Definitions:**

A. **Complainant:** A person who makes a report under this policy alleging scholarly misconduct.

B. **Conflict of Interest:** The real or apparent interference of one person’s interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

C. **External Sponsor:** Any entity that provides financial support for research or scholarly activities at Towson University.

D. **Good Faith:** means with the honest belief that scholarly misconduct may have occurred. A report of Scholarly Misconduct is not made in good faith if it is made with malice, with reckless disregard for, or willful ignorance of facts that would disprove the allegation.

E. **Provost:** The Provost and Executive Vice President is the Chief Academic Officer of the University or any appropriate designee if the Respondent is not a faculty member of the University.

F. **Record:** Any data, document, computer file, computer diskette, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed,
conducted, or reported research or other conduct that constitutes the subject of an allegation of scholarly misconduct. A Record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; X-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

G. **Respondent**: The person against whom a report of scholarly misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one Respondent in any inquiry or investigation.

H. **Retaliation**: Any action that adversely affects the employment or other institutional status of an individual that is taken by the institution or an employee because the individual has, in Good Faith, made a report of scholarly misconduct or of inadequate institutional response thereto or who has cooperated in Good Faith with an investigation of such a report.

I. **Scholarly Misconduct**: Fabrication, falsification, plagiarism or other misconduct, such as that described in section V.C.2. below, in proposing, performing, reviewing or reporting research and/or in connection with other scholarly or creative activities. Other terms such as research fraud, scientific misconduct, or research misconduct are included in the term Scholarly Misconduct. Scholarly Misconduct does not include honest error or honest differences of opinion. For purposes of this policy, honest error means an honest mistake regarding pertinent facts, and not ignorance of applicable policies, standards and/or practices. A finding of Scholarly Misconduct requires that there be a significant departure from accepted practices of the scholarly community for maintaining the integrity of the research or scholarly record; the misconduct must be committed intentionally, knowingly, or counter to accepted practices, and the allegation must be proven by a preponderance of relevant evidence.

J. **University**: Towson University.

K. **University Legal Counsel**: Towson University Office of the General Counsel and/or the Office of the Attorney General of the State of Maryland

L. **USM**: The University System of Maryland.

III. **Responsible Executive and Office**:
    Responsible Executive: Provost and Executive Vice President
Responsible Office: Office of Graduate Studies

IV. **Entities Affected by this Policy:** All faculty and staff

V. **Principles:**

A. **General.** The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in scholarship and in institutions of higher education. Towson University expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. Towson University considers misconduct in scholarly work by any of its employees a breach of conduct.

1. It is the policy of Towson University to maintain high ethical standards in scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate instances of alleged or apparent misconduct.

2. It is the policy of Towson University to terminate the employment and/or to take other disciplinary action against any individual found to have committed Scholarly Misconduct in accordance with this policy.

3. It is the policy of Towson University to award no degree if misconduct in scholarly work contributed to that degree, and to revoke such a degree if Scholarly Misconduct is discovered after its award.

4. It is the responsibility of faculty and staff to keep themselves informed of current policies and procedures related to standards of scholarly conduct within the USM, the University, and their professional discipline.

B. **Promotion of Professional Integrity.** Towson University will periodically evaluate procedures and practices that teach and promote integrity in scholarly work, as well as those practices that may inadvertently provide incentives for Scholarly Misconduct. Evaluations should include, but need not be limited to:

1. Policies that fix responsibilities for the conduct of research and other scholarly work and that assure adequate supervision or oversight of students and of academic or research teams.

2. Institutional policies regarding authorship and the acceptance of full responsibility for the work conducted and published.

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3. Institutional practices regarding authorship as a criterion for promotion.

4. Practices that foster openness and enhance awareness and recognition of ethical issues and of responsibilities in the conduct of scholarly work.

5. Practices that assure adequate orientation of students, faculty, and staff to ethical issues in academic pursuits and to acceptable techniques in data gathering, record keeping and reporting.

6. Institutional practices and requirements in regard to recording, retention, and storage of data.

C. Misconduct in Scholarly Work.

1. In faculty scholarship and research, primary responsibility for the integrity of scholarly efforts rests with the principal investigator. Other faculty and staff who collaborate in the scholarly work share responsibility for its integrity. Responsibility for joint faculty and undergraduate or graduate research projects is shared by the student(s) and the principal faculty advisor.

2. Misconduct in scholarly work may take many forms. This policy applies, but is not limited to, the following examples of scholarly misconduct:

   a. Falsification or Misrepresentation of Data. This includes falsification, fabrication, manipulation and/or alteration of data or background information, inaccurately quoting the work of others, deceptively selective reporting, purposeful omission of conflicting data and willful suppression, distortion or destruction of data.

   b. Plagiarism. Appropriation of the work of another, such as taking credit for an exact copy or the rewritten or rearranged work of another.

   c. Improprieties of Authorship. Includes improper assignment of credit, such as excluding or insufficiently citing the work of others, including associates or students; misrepresentation of the same material as original in more than one publication; inclusion of individuals as authors who have not made a contribution to the work published; or submission of multi-authored works without the concurrence of all authors, which
includes such aspects as the order of authorship and the number of authors.

d. Abuse of Confidentiality/Misappropriation of Ideas. Includes improper use and/or appropriation of information or influence gained by scholarly exchanges and other types of confidential access, such as review of grants or manuscripts, service on peer review panels, editorial boards, or University committees. Also includes improper use of personal information gained in the course of research using human subjects.

e. Violation of Generally Accepted Research Practices. Serious deviation from accepted research practices such as improper manipulation of experiments to obtain biased results, deceptive statistical or analytical manipulations, or improper reporting of or withholding of results.

f. Deliberate Material Failure to Comply with Federal, State or University Requirements Affecting Research. Includes violations involving the use of funds or resources, care of animals, human subjects, investigational drugs, recombinant products, new devices, radioactive, biologic or chemical materials or the health and safety of individuals and the environment.

g. Deliberate Misrepresentation of Qualifications. Includes misrepresentation of experience or research accomplishments to advance the research program, obtain external funding, or for other professional or personal advancement.

h. Misappropriation of funds or resources. For example, the misuse of funds for personal gain.

D. Institutional Standards.

1. Responsibility to Report Scholarly Misconduct. Reporting misconduct in scholarly work is a responsibility shared by everyone at the university. Reports of Scholarly Misconduct are serious charges and should be supported by sufficient evidence. Failure to report known misconduct or failure to report evidence of misconduct or circumstances indicating misconduct; withholding or destroying data and/or other information related to alleged misconduct; Retaliation against individuals reporting or investigating misconduct; and frivolous, mischievous or malicious misrepresentation in alleging Scholarly Misconduct are all violations of this policy.
2. Protecting Participants. All participants in the inquiry and investigation process, including the Complainant, Respondent, witnesses, and committee members should be treated with fairness, respect and sensitivity to their reputations, and should be protected against Retaliation in connection with good faith participation. Any alleged or apparent Retaliation should be reported to the Dean of Graduate Studies. The University shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in Scholarly Misconduct, but against whom no finding of Scholarly Misconduct is made.

3. Confidentiality. To the maximum extent possible consistent with law, University policy, and effective and efficient proceedings, the confidentiality of information regarding the Complainant, the Respondent, and other affected individuals, including research participants identifiable from research Records or evidence, will be protected. Members of the inquiry and investigation committees, recognizing that they may need to consult persons with relevant knowledge who are not on the committee, as well as other participants in the process, should observe the confidentiality of the proceedings and any information and documents reviewed as a part thereof. Outside of official contexts, they should not discuss the matters with the Respondent, Complainant, witnesses, or anyone not authorized by the University.

4. Cooperation with Scholarly Misconduct Proceedings. All University faculty, staff, and students are required to cooperate with University officials in the review of allegations and the conduct of inquiries and investigations. Members of the University community, including Respondents, have an obligation to provide evidence relevant to Scholarly Misconduct allegations pursuant to this policy. Uncooperative behavior is prohibited, and may result in disciplinary or other sanctions.

5. Conflict of Interest. The integrity of the process shall be maintained by taking reasonable precautions to avoid bias and real or apparent Conflicts of Interest on the part of those involved in conducting the inquiry or investigation.

6. Timeliness. Any allegation, assessment, inquiry, or investigation should be conducted in a timely, objective, thorough, and competent manner. The termination of the Respondent's employment with the University, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the Scholarly Misconduct proceeding or otherwise limit any of the University's responsibilities. If the Respondent refuses to
participate in the process after resignation, the University and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the Respondent's failure to cooperate and its effect on the evidence.

7. Standard of Proof. A finding of Scholarly Misconduct must be established by a preponderance of the relevant evidence. This means that the evidence must show that it is more likely than not that the Respondent committed Scholarly Misconduct.

8. Administrative Actions. Prior to conclusion of the inquiry or investigation, the Dean of Graduate Studies may initiate such interim administrative action(s) as considered appropriate to protect research funds or equipment; the health or safety of human participants and/or animal research subjects, students, employees, or other persons; or the integrity of the research process. Such administrative actions, ranging from slight restrictions to complete suspension of the Respondent and notification of External Sponsors, if indicated, should generally be taken only after consultation with the Provost, Assistant Vice President for Research, and University Legal Counsel.

9. Notification of External Sponsors. The Dean of Graduate Studies, in consultation with University Legal Counsel and the Assistant Vice President for Research, is responsible for determining which, if any, External Sponsors have a legitimate interest in Scholarly Misconduct cases, and for communicating with the External Sponsor(s) about the matter. To the extent applicable, notification policies, if any, of the External Sponsor, including federal regulations, shall be followed. Absent specific notification requirements, factors used in determining the need for and timing of any such notification may include: (a) the seriousness of the possible misconduct; (b) reasonable indication of possible criminal violations; (c) a determination that the health or safety of the public is at risk, including an immediate need to protect human participants and/or animal subjects; (d) University policies; (e) the need to protect External Sponsor funds, equipment, or the integrity of the supported research process; (f) the need to suspend research activities; (g) a determination that External Sponsor action is required to protect the interests of those involved in the research misconduct proceeding; (h) a determination that the research misconduct proceeding may be made public prematurely, requiring notice so that an External Sponsor may take appropriate steps to safeguard evidence and protect the rights of those involved; and (i) the interests of the funding agency, the scientific community, the public, and the individual who is the subject of the inquiry or investigation.
10. Documentation. Appropriate documentation of an inquiry and/or investigation shall be maintained by the Dean of Graduate Studies for a period of at least seven years after the later of (a) the completion of all proceedings pursuant to this policy or (b) the completion of any proceedings required by an External Sponsor.

11. Completing the Research Misconduct Process. The University expects that inquiries and investigations will be diligently pursued and carried through to completion. The Dean of Graduate Studies may, however, with the approval of the President, close a case at the inquiry or investigation stage if the Respondent makes a legally sufficient admission of Scholarly Misconduct, or the University reaches a settlement with the Respondent. In that case, the Dean of Graduate Studies will proceed as described in section V.D.11. to determine the appropriate University actions. These actions shall be subject to the final approval of the President. As required by External Sponsors’ policies or regulations, the Assistant Vice President for Research shall consult with and report to External Sponsors.

12. Finality and Sanctions. Findings reached under this policy as to the existence or absence of Scholarly Misconduct are not subject to review under any other University policies or procedures. If disciplinary sanctions are recommended following a finding of Scholarly Misconduct, the University shall follow any applicable University policies and procedures in the imposition of those sanctions.

E. Procedures

1. Procedures detailing the following processes central to this policy including the appeal process are outlined in Implementing Procedures for Towson University Policy Regarding Allegations of Scholarly Misconduct by Faculty and Staff:

   a. Complaint and Preliminary Review of Allegations of Scholarly Misconduct;
   b. Inquiry;
   c. Investigation; and
   d. Resolution.

The Procedures may be amended from time to time without the need to amend this policy.
Related Policies: USM Policy III-1.00, Policy on Faculty, Student and Institutional Rights and Responsibilities for Academic Integrity
USM Policy III-1.10, Policy on Misconduct in Scholarly Work
TU Policy 03-01.00, Student Academic Integrity Policy

Approval Date: 10/3/2018
Effective Date: 10/3/2018

Approved by: President’s Council

[Signature]
Kim Schatzel, Ph.D.

[Signature]
Date

12/12/18