VII. FACULTY DISCIPLINE, MISCONDUCT, AND TERMINATION

E. Policy For Misconduct In Research and Scholarship

1. The College of Charleston is dedicated to truth in pursuit of knowledge through research and to the transmission of knowledge through teaching. A spirit of mutual respect and a broad trust that all faculty members, students and staff share this dedication to the truth are essential to the functioning of the College. Nevertheless, from time to time some member of the College community may appear to have disregarded accepted norms of professional behavior. The integrity of the programs of the College requires that faculty, students and staff be aware of potential misconduct in themselves and in others, and that allegations of misconduct be resolved in a just manner, ensuring that there are no recriminations for a person bringing an allegation in good faith.

2. “Misconduct” in this regard is defined as:

   a. Serious deviation from accepted standards and practices in proposing, carrying out or reporting the results of scholarly undertakings (such as fabrication, falsification or plagiarism);

   b. Material failure to comply with requirements for protection of researchers, human subjects, the public or for ensuring the welfare of laboratory animals; or

   c. Failure to meet other material professional standards or legal requirements governing research and scholarship.

   “Misconduct” does not include honest error or honest differences in interpretations or judgments of data. This definition of “misconduct” applies to students only when the suspect activities are carried out in potentially publishable original research or faculty-directed original research. Honor code violations as defined in the College of Charleston Student Handbook that are not associated with original or faculty-directed research are not subject to this misconduct policy.

3. Disregard of established norms of conduct may be intentional or may be unwitting. In either case, public trust and the pursuit of truth are endangered, and the College has an obligation to act. It may be appropriate, however, for the College to respond
differently to different sorts of suspected misconduct. The procedures outlined herein were initiated in response to requirements promulgated by the U.S. Public Health Service and the National Science Foundation dealing with issues of possible misconduct in science and engineering. They are intended to provide a fair and orderly means of handling all issues of alleged misconduct in “research and scholarship” and to supplement existing policies, procedures, and provisions contained in the College of Charleston Faculty/Administration Manual and the College of Charleston Student Handbook. These procedures apply to all faculty, staff and students participating in scholarship or research, funded or otherwise, in all disciplines throughout the College.

4. Since a charge of misconduct, even if unjustified, may seriously damage an individual’s career, any such issues must be handled in a confidential manner, and as few people as possible should be involved at any stage of the procedure. Premature disclosure of information concerning an allegation may itself constitute misconduct. Any inquiry or investigation must also be handled promptly and expeditiously and with full attention to the rights of all individuals involved. It is understood that persons conducting a preliminary review, an inquiry, and/or an investigation must possess the special knowledge necessary to judge the situation but must also have no immediate personal interest in the case.

5. Consideration of misconduct allegations will be made as necessary in three distinct and consecutive phases. These are “preliminary review,” “inquiry” and “investigation.” The purpose of the preliminary review is to ensure that frivolous accusations are dismissed and that differentiation is made between misconduct and carelessness or incompetence. When, from the results of the preliminary review, the allegation of misconduct appears justified, an inquiry is conducted to determine if sufficient evidence exists to indicate the need for a full investigation. The purpose of the investigation is to determine if indeed misconduct has occurred and, if so, to recommend appropriate actions.

6. To comply with Federal requirements, the time between reporting of misconduct and completion of an inquiry to determine if further investigation is required will not exceed 60 days. Should an inquiry exceed 60 days, the record of the inquiry will include documentation of the reasons for the additional time. Any further investigation will be undertaken within 30 days of the conclusion of the inquiry. The time required from initiation of the
7. The College of Charleston procedures for addressing allegations of misconduct have been designed in the recognition that determination of why, or even if, misconduct has occurred may be difficult and that the process of inquiry or investigation must be sufficiently flexible to be terminated when it becomes clear that charges are unjustified or that the issue can be resolved appropriately by other means.

8. Records produced as a result of preliminary review, inquiry and/or investigation of alleged misconduct will be sequestered in the Office of the Provost for a minimum of three (3) years. These records shall remain confidential and shall be released only on a documented need-to-know basis to sponsoring agencies, governmental oversight agencies, law enforcement officials, judicial bodies and/or institutional administrators. Requests for release of information will be granted only after the Provost has been assured that the legal rights of the individuals involved and the institution have been assured. (Procedures regarding misconduct appear in Section VII.F.)