VII. FACULTY DISCIPLINE, MISCONDUCT, AND TERMINATION

F. Procedures for Misconduct in Research and Scholarship

1. General Reporting Responsibility and Procedures

a. Any faculty member, student, or staff member who suspects that misconduct has occurred has a legal and ethical obligation to report the suspected activity.

b. Suspected misconduct may be reported confidentially to the chair of the accused’s department, to the accused’s Dean, to the Vice President for Research, or to the Provost. If the person who suspects the misconduct has questions about what constitutes misconduct, he/she may consult with any of these parties before making an official report of suspected misconduct. If he/she is assured, after such consultation, that misconduct has not occurred, he/she need not take further action.

c. If the person who suspects misconduct opts to make a formal allegation, he/she will be afforded the strictest confidentiality. However, his/her identity will not necessarily remain concealed, particularly if he/she is an important witness and potential contributor to the preliminary review, inquiry, and/or investigation processes. The Department Chair, Dean, Vice President for Research, and/or Provost will determine and initiate actions that may be necessary to protect the person making the allegation from retribution.

d. If the person who suspects misconduct opts not to make a formal allegation but the evidence presented leads the academic administrator to believe that misconduct has occurred, the academic administrator will initiate a preliminary review. The person who first suspected the misconduct may be called upon to serve as a witness during this preliminary review. However, efforts will be made to ensure rights to confidentiality and protection from retribution.

e. If there is evidence that the alleged misconduct involves specific immediate concerns, the Department Chair, Dean, Vice President for Research, and Provost will report such
evidence to the President through proper administrative channels. Specific concerns include:

(1) an immediate health hazard;

(2) an apparent violation of regulations regarding human subjects in research;

(3) an apparent violation of regulations regarding the care and use of animals in research and/or academic instruction;

(4) an immediate need to protect sponsoring agency funds or equipment;

(5) an immediate need to protect the interests of the person making the allegations and the individual who is the subject of the allegations, as well as his/her associates, if any;

(6) a probability that the alleged incident is going to be reported publicly; and/or

(7) a reasonable indication of possible criminal violation.

Reports will be handled confidentially and in writing with the utmost urgency. If required, the Provost will promptly inform the sponsoring agency of the immediate concern in accordance with the agency’s rules and regulations. If the alleged misconduct relates to a U.S. Public Health Service grant or contract, the Provost will immediately notify the Office of Scientific Integrity (OSI) in accordance with 42 CFR 50.104.

2. Preliminary Review

a. When the Department Chair, Dean, Vice President for Research, or Provost receives a report of suspected misconduct, he/she will conduct a preliminary review. The purpose of this review is to ensure that frivolous accusations are dismissed and that differentiation is made between misconduct and carelessness or incompetence.
b. If the academic administrator receiving the report of suspected misconduct has had any personal involvement in the issue which has given rise to the allegation, he/she will immediately refer the matter to the next higher level academic administrator.

c. The academic administrator will have primary responsibility for conducting the preliminary review. He/she may appoint an ad hoc committee, consisting of no more than three (3) members from within the accused’s school to assist in the review.

d. When the Department Chair, Dean, Vice President for Research, or Provost receives a report of alleged misconduct, he/she will notify the accused of the allegation. The accused will have five (5) working days to answer the charge.

e. If no grounds for a charge of misconduct are found during the preliminary review, no further inquiry is required. A confidential written report will be prepared by the academic administrator conducting the preliminary review. This report will be forwarded through administrative channels to the Office of the Provost where it will be sequestered for a minimum of three (3) years.

Copies of the report on the preliminary review will also be given to the person accused of misconduct and the person making the allegation. The case is then closed.

f. If the preliminary review indicates sufficient justification for additional study of the matter, an inquiry will be conducted. The recommendation to conduct an inquiry will be made through administrative channels to the Provost. The academic administrator will also promptly notify in writing both the person accused of misconduct and the person making the allegation that an inquiry will be initiated.

3. Inquiry

a. If a formal inquiry is deemed appropriate by the Department Chair, the Dean, the Vice President for Research, or the Provost, the Dean will appoint and chair an ad hoc Research and Scholarship Integrity Committee (RSIC) to conduct the inquiry. If the Dean has a personal
involvement in the case, the Vice President for Research will appoint and chair the RSIC. If the Vice President for Research has an interest in the case, the RSIC will be appointed and chaired by the Provost. The purpose of the *ad hoc* Research and Scholarship Integrity Committee is to determine if a formal investigation should take place. Specifically, the inquiry will be conducted only in enough detail to establish clearly whether or not there is sufficient evidence to warrant further action.

b. The RSIC will be comprised of no less than six (6) and no more than eight (8) members. These will include the Dean (or other academic administrator as described in the preceding paragraph), who will chair the committee, three (3) faculty members appointed by the RSIC Chair, at least one of whom must be from the same discipline as the person accused of misconduct, and two (2) administrators appointed by the Provost. If special expertise in the accused’s academic specialty is required but is not available within his/her department or school, the committee chair may appoint an additional committee member from outside the College. The accused may also request the addition of an external member who has the appropriate expertise.

c. At the time that it is determined that an official inquiry is warranted, all necessary actions will be taken by the academic administrators on behalf of the College to ensure the integrity of the research, the protection of the rights and interests of research subjects and the public, the observance of legal requirements and responsibilities, and the protection of the rights and confidentiality of the person accused and the person making the allegation.

d. If the alleged misconduct involves externally sponsored research or other activities, the Provost will first inform the President and then, if required by the sponsoring agency, will report the impending inquiry to the agency according to its rules and regulations. The sponsoring agency may reserve the right to initiate an investigation of its own.

e. If the RSIC determines that there is insufficient evidence to warrant a formal investigation, the committee will prepare a confidential written report of its findings. The report will be forwarded to the Office of the Provost where it will be sequestered for a minimum of (3) three years. Copies of
the report will also be given to the person accused of misconduct and the person making the allegation. The case is then considered closed. A report will be sent to any sponsoring agency previously contacted.

f. In general, issues of misconduct that require formal investigation are those which are:

(1) regarded as serious;

(2) involve more than one person or unit of the institution;

(3) are characterized by conflicting or uncertain facts; and/or

(4) bear directly on the academic integrity of the institution.

An especially important threshold factor favoring a formal investigation is a written scholarly or professional publication of the matter at issue.

4. Investigation

a. If sufficient evidence is presented during the inquiry to warrant further study, the RSIC will conduct a formal investigation. The RSIC Chair will alert the Provost in writing of the Committee’s decision to conduct a full investigation. The Provost will inform the President of the Committee’s decision. If the alleged misconduct involves an externally funded project, the Provost will notify the sponsoring agency of the impending investigation according to the agency’s rules and regulations.

b. In consultation with the appropriate College officials, the RSIC Chair will ensure that the following steps, if not addressed earlier, are taken at the initiation of the investigation:

(1) The person accused of misconduct will be informed that a full investigation will be conducted;

(2) All relevant materials and documents, including but not limited to relevant research data and proposals,
publications, correspondence, and memoranda of telephone calls, will be sought;

(3) A determination of which other parties (co-workers, journals, other employers, etc.) should be informed of the situation will be made; and

(4) A determination of specific administrative actions to be taken during the investigation, if any, will be determined.

c. The purpose of the investigation is to determine if misconduct, as defined herein, has occurred. In conducting an investigation, the RSIC will consult with the Senior Vice-President for Legal Affairs to develop and initiate procedures appropriate to the circumstances. These investigative procedures should ensure both a complete review and fair treatment of all individuals involved. Consideration will be given to a review of all research in which the person accused of misconduct is involved.

d. Whenever possible, interviews will be conducted by the RSIC with all individuals involved either in making the allegation or against whom the allegation is made, as well as with other individuals who might have information regarding key aspects of the allegation. A complete summary of each interview will be prepared by the RSIC and provided to the interviewed party for comment or revision before it is included in the confidential investigatory file.

e. Throughout the investigation, the accused will be advised of the progress of the investigation and will be afforded the opportunity to respond and to provide additional information. At all times, diligent effort will be made to maintain confidentiality of deliberations.

f. If, during the investigation, the RSIC finds the roles of any of the accused’s co-workers or supervisors suspect, they will be advised of the concerns and, if appropriate, the RSIC will initiate a separate preliminary review for each person involved according to the procedures outlined herein.

g. If the RSIC’s investigation fails to confirm that misconduct has occurred, the case against the accused is closed. At this
time, diligent efforts will be made to restore the reputation of the person under investigation. Efforts will also be made to protect the positions and reputations of those who in good faith made the allegations. The RSIC will prepare a confidential file containing the findings of the investigation and forward it to the Office of the Provost where it will be sequestered for a minimum of three (3) years. Notification of the results of the investigation will be sent to any sponsoring agency previously alerted to the problem in accordance with the agency’s rules and regulations.

h. If the allegation of misconduct is found to have been malicious or intentionally dishonest, the RSIC will recommend appropriate action to the Provost.

i. If the RSIC finds that misconduct has occurred, the committee will make a full written confidential report to the Provost. In this report, the committee will recommend appropriate action. Actions which may be required include, but are not limited to, the following:

1. Withdrawal of papers and abstracts;
2. Notification of editors of journals where fraudulent research has been published;
3. Actions to protect sponsoring agency funds and to insure that the project is carried out; and/or
4. Possible release of information about the incident to the press (particularly when public funds were used to support fraudulent research).

If the Provost determines that more complete documentation is necessary, the matter will be returned to the RSIC. The committee’s full report will also be sent to any sponsoring agency previously alerted to the problem in accordance with the agency’s rules and regulations.

j. Final action will be directed by the Provost, the Associate Provost for Research, and/or the Executive Vice President for Student Affairs as appropriate. The action to be taken will be communicated in writing to the person found to have been involved in misconduct along with a statement of grievance rights. Faculty members who disagree with the findings of the Research and Scholarship Integrity
Committee may file a grievance with the University’s Faculty Grievance Committee according to the procedures outlined in the College of Charleston Faculty-Administration Manual. Administrative staff may grieve a RSIC committee decision to the President according to the procedures outlined in the College of Charleston Faculty/Administration Manual. Students found to have been involved in misconduct may appeal to the Honor Board according to the procedures outlined in the College of Charleston Student Handbook. If dismissal is recommended, action will be taken in accordance with published institutional policies and procedures.