Principles and Procedures for Dealing with Allegations of Faculty Research Misconduct

Colleges and universities are granted special status by virtue of their contributions to the development of new knowledge through research. The public and its institutions place a great deal of trust in the integrity of the processes that colleges and universities use to produce this research. When individuals fail to live up to the standards commonly adhered to by the academic community, this public trust is compromised. It is essential, therefore, that institutions seek to maintain high standards for the conduct of research by training researchers about appropriate ethical practices in the conduct of research and by developing procedures for fair, thorough and timely response to allegations of faculty misconduct in research. All members of the Teachers College community are expected to report observed, suspected, or apparent research misconduct.

This document describes principles and procedures for dealing with allegations of research misconduct at Teachers College, Columbia University. The procedures described herein are subject to federal, state and city laws and regulations.

To enact these principles and procedures, a five member Standing Committee on the Conduct of Research shall be responsible for overseeing the procedures relating to allegations of faculty research misconduct. Members of the Standing Committee include: the FEC chair (who will serve as the Chair of the Standing Committee), and the chairs of the subcommittees (currently: Academic Program; Finance, Facilities, and Support Services; Personnel; Race, Culture, and Diversity).

Any Standing Committee member with a material unresolved personal, professional, or financial conflict with a potential Respondent, Complainant, or Witness, or any material unresolved conflict of interest in connection with the subject matter of the possible research misconduct shall recuse him/herself from consideration of the matter and shall so advise the other members of the Standing Committee. Where an individual is recused, the remaining Standing Committee members may appoint other FEC members to serve temporarily on the Standing Committee.

Definitions

Complainant: The individual bringing an allegation of research misconduct. The Complainant may be a student, faculty member, staff member, a College administrator, or an external person.

Respondent: The individual who is the subject of an allegation of research misconduct. The Respondent may be a faculty member, lecturer, instructor, research center staff member or any other individual performing research at or on behalf of Teachers College who is not a student at the College.

Witness: Any individual who testifies or provides information with regard to an allegation or whose research record is used as evidence during the course of a research misconduct proceeding.

Good faith: Having a belief in the truth of one’s statements that a reasonable person in the same position could have based on the information known to one at the time. A statement ultimately found to have been mistaken may still be made in good faith. A statement is not made in good
faith, however, if made with the knowledge that it is not true or with reckless disregard of facts that would disprove it.

**Research misconduct** is defined as:

- **Fabrication**: the making up of data or results and/or the recording or reporting of such data or results
- **Falsification**: the manipulation of research materials, equipments or processes, or the change or omission of data or results such that the research is not accurately represented in oral, written, and electronic records of the research
- **Plagiarism**: the misappropriation of another person’s ideas, processes, results or words
- **Interference** with the integrity of the work of others
- **Misuse** of confidential information, including confidential data from research participants and privileged information in proposals for funding and manuscripts under editorial review
- **Other practices** that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research

Unintentional error and honest differences of opinion or interpretation do not constitute research misconduct.

**Overview of the Process**

A response to an allegation of research misconduct shall consist of three phases:

1. **Inquiry**: information is gathered to assess whether the allegation has substance and, if so, whether an investigation is warranted;

2. **Investigation**: a factual record is developed regarding the allegation; the record is examined and evaluated, resulting either in dismissal of the allegation for lack of merit, or the recommendation of a finding of research misconduct;

3. **Adjudication**: the evidentiary record will be formally reviewed and evaluated to decide whether or not to agree with the recommended findings, and to determine appropriate sanctions and/or corrective actions.

An allegation of research misconduct may be brought to the attention of any member of the Standing Committee on the Conduct of Faculty Research. At that point, the standing committee member will listen to the complaint and inform the complainant about the process. After being informed about the process, the complainant will make the decision about moving the case forward by submitting a written allegation of research misconduct, to be delivered to the Chair of the Standing Committee on the Conduct of Faculty Research. If a person is concerned about possible research misconduct or unsure whether an incident may be research misconduct, that person may contact a member of the committee to discuss the possible misconduct informally. If the Standing Committee concludes that the allegations merit evaluation but that the complainant feels unable to make a formal complaint, the Standing Committee may, in its discretion, appoint a faculty member or administrator to assist the complainant or bring the complaint. Such an
appointment shall reflect only the conclusion that the allegations merit evaluation and not any conclusion as to the ultimate merits of the allegation.

I. Inquiry

Upon receipt of a formal complaint of research misconduct, the Standing Committee will appoint a three-person Inquiry Subcommittee of its members to conduct the inquiry phase, and will designate one of the members of the subcommittee as its Chair. The inquiry must be completed within 60 calendar days of its initiation, unless circumstances warrant a longer period. If more than 60 days elapse, the record must include documentation explaining the extension. On or before the date on which a Respondent is notified of the inquiry and at any other time during the proceeding when additional records or evidence are discovered, the Standing Committee shall take all reasonable and practical steps to obtain custody of all of the research records and evidence needed to conduct the proceeding, inventory the evidence, and sequester it in a secure manner. Copies of such evidence shall be provided to those from whom the evidence was taken. The Committee may, in its discretion, obtain the assistance of internal or external individuals in conducting its inquiry. While the Complainant, Respondent and Witnesses are free to consult with counsel if they so desire, no such attorney may participate in the inquiry.

At the conclusion of the inquiry, the Inquiry Subcommittee will prepare a written report that contains the following information:

1) the name and position of the Respondent;
2) a description of the allegation or other information concerning possible research misconduct that was reviewed in the inquiry;
3) identification of each source of financial support, if any, that may have been applied for, or that may have been granted and expended on, research or other scholarly activity in which the possible research misconduct occurred, including, in the case of support from federal agencies, the name of each agency and identification of each application, grant, or contract;
4) identification of any papers, books, dissertations, presentations, or other publications that may have presented findings related in whole or in part to the possible research misconduct, to the extent the identity of such materials was learned in the course of the inquiry;
5) a summary identification of the documentary and other physical evidence (including the research record, if any) examined and interviews, if any, conducted during the inquiry;
6) based on the evidence gathered in the inquiry, a recommendation for each allegation of research misconduct that states whether or not it has substance and, if so, whether or not an investigation is warranted; An allegations “has substance” if it would, if true, constitute research misconduct and if the inquiry reveals facts sufficient to justify a formal investigation.
7) a summary of the facts and analysis that support each conclusion that an allegation of research misconduct does or does not have substance, and should or should not be investigated.

The Inquiry Subcommittee will send a draft of the inquiry report to the Respondent, and provide the Respondent an opportunity to comment on the draft inquiry report. A specific response date will be provided in the letter to the Respondent. The Inquiry Subcommittee may also, if appropriate in its judgment, provide some or all of the draft of the inquiry report to the Complainant(s), and similarly provide such Complainant an opportunity to comment on the draft inquiry report within the same period of time as given the Respondent. The Inquiry Subcommittee may revise the draft inquiry report in light of any comments received from the Respondent and from the Complainant(s), within the time permitted for such comments, and will in any event attach any such comments to the final report.

The Inquiry Subcommittee will deliver the final inquiry report to the Standing Committee on the Conduct of Faculty Research. At the same time, the Inquiry Subcommittee will provide a copy of the final inquiry report to the Respondent and may, if appropriate in its judgment, provide some or all of the final inquiry report to the Complainant(s).

Based on the recommendations of the Inquiry Subcommittee, the Standing Committee shall either dismiss the allegations for lack of substance, or initiate a formal investigation. Should the Standing Committee decide not to investigate, documentation of the inquiry must be kept for at least seven years after the termination of the inquiry. If the Standing Committee dismisses the allegations for lack of substance, it shall notify the Complainant and the Respondent in writing, generally within 3 days after receipt of the final inquiry report.

Should the Standing Committee determine that a formal investigation is warranted, it shall notify the Complainant and the Respondent in writing, generally within 3 days after receipt of the final inquiry report. Upon receiving the final inquiry report, the Complainant and the Respondent have 5 days to provide the Standing Committee the names of faculty members (if any) whom they consider to have a possible conflict of interest that would preclude the case from being investigated in a fair and impartial manner. When providing any such names, the Complainant and the Respondent must explain the basis for the belief that a conflict of interest exists to the possible appointment of the faculty member. The Standing Committee shall decide whether there is a conflict of interest precluding participation in the Committee.

Should the Standing Committee decide to initiate a formal investigation, it is must follow the regulations of any research sponsors regarding notification. The notification to such research sponsors must include a statement that it is Teachers College policy that any formal investigation presumes the Respondent is innocent until proven responsible, and requests that this be so noted in the records and/or proceedings of any research sponsors.

II. Investigation

Should the Standing Committee determine that a formal investigation is warranted, it will promptly appoint a five-member Ad Hoc Investigation Committee from the Teachers College faculty. The individuals appointed must be fair, objective, and impartial, and must possess
sufficient expertise to understand the research in question. No one with a material unresolved personal, professional, or financial conflict with the Respondent, the Complainant(s), or potential Witnesses, or any material unresolved conflict of interest due to their involvement in the subject matter of the possible research misconduct, will be appointed to the Ad Hoc Investigation Committee. The Standing Committee making the appointment should take the lists (if provided) of the Complainant and Respondent into account in selecting the membership of the Ad Hoc Investigation Committee, but retains the final decision on whom to appoint.

The Ad Hoc Investigation Committee will conduct a fair and impartial investigation which provides a full and fair opportunity for the Respondent to be informed of and respond to the allegations. In particular:

- The Ad Hoc Investigation Committee will provide the Respondent with a clear written statement of the charges prior to the onset of the investigation;
- The Respondent has the right to appear before the Ad Hoc Investigation Committee to present testimony on his or her behalf;
- If appearing before the Ad Hoc Investigation Committee, the Respondent has the right to be accompanied by counsel for advisory purposes only; counsel may not participate in the proceedings;
- The Respondent will receive a draft of the Ad Hoc Investigation Committee’s final report, and may comment upon it in writing and/or by appearing before the Investigation Committee to present arguments in rebuttal.

In making factual determinations, the Ad Hoc Investigation Committee shall apply the standard of proof known as the “preponderance of the evidence,” which means that a fact is established if, after review of all the relevant credible evidence relating to that fact, the Committee concludes that it is more likely than not that the fact is true. This standard is different from, and lower than, proof beyond a reasonable doubt or proof with clear and convincing evidence.

The Committee may, at its discretion, obtain the assistance of internal or external individuals in conducting its investigation.

The Ad Hoc Investigation Committee shall submit to the Provost a written report of its findings of fact and conclusions, along with the entire file on the case. A copy of the report shall also be sent to the Respondent by certified mail, with return receipt. The Respondent may, if she or he desires, make a written statement within 10 working days after receipt of the report.

III. Adjudication

If the Provost agrees that the alleged misconduct is substantiated by a thorough investigation, he or she shall recommend appropriate disciplinary sanctions and corrective actions. Disciplinary sanctions may include, but are not limited to, one or more of the following:

- Private, written censure (e.g., a letter in a personnel file)
- Public censure
- Reduction in salary or foregoing increases in salary and/or benefits
- Fines and/or restitution
- Demotion in rank
- Reassignment of duties
- Alteration of eligibility to conduct research, supervise students, or apply for sponsored research funding
- Suspension without pay
- Probation
- Denial or curtailment of Emeritus status
- Dismissal from the College

The sanction(s) to be applied shall be commensurate with the seriousness of the faculty research misconduct. The severity of the offense may include judgments about (a) the degree to which the research misconduct was knowing, intentional, and/or reckless; (b) whether the research misconduct was an isolated event or part of a pattern; and (c) the extent of the impact of the research misconduct on research participants, other researchers, the College, other institutions, the public, and the research record.

Any recommendation of dismissal must be made in accordance with the relevant Statutes and By-Laws of the College.

Corrective actions the Provost might require include, but are not limited to: remedial training for the Respondent; withdrawal of or revisions to papers, books, and other publications or presentations that contained findings related in whole or in part to the research misconduct; and restitution of funds as appropriate.

**Protections and Guarantees**

To the extent possible and consistent with a fair and thorough investigation and as allowed by law, knowledge about the identity of a Complainant, a Respondent and any Witnesses shall be limited to those persons who need to know in order for the policy to be carried out, and all written materials and information with respect to any proceedings shall be kept confidential. The Complainant, Respondent, Witnesses, Committee members and others participating in these proceedings shall protect the confidentiality of information regarding the allegations, the proceedings, or the identity of the persons involved except as needed to carry out this policy or as required by law.

**Respondent:** A Respondent is assumed not to have committed research misconduct unless and until a finding of misconduct has been made by the Provost. A Respondent should, to the extent possible, be protected from penalty and public knowledge of any accusation until such a judgment has been rendered. The College shall not impede the ability of a Respondent to engage in his/her work as a faculty member, and shall ensure that other disciplinary or adverse action not be taken, during the period of any inquiry or investigation, unless the Provost determines that there are compelling reasons to suspend the Respondent’s work or take such action during all or a portion of such period. The Respondent shall cooperate in good faith with the administrative
procedures described in this policy, including by providing information, research records and evidence to the College representatives referred to herein when so requested.

The College shall take all reasonable and practical efforts, if requested and as appropriate, to protect or restore the reputation of any Respondent against whom no finding of research misconduct is made.

Witnesses: If a Witness has cooperated with a research misconduct proceeding in good faith, the College shall ensure that (a) all reasonable and practical efforts are made to protect such Witness from potential or actual retaliation, and (b) diligent efforts are made to protect or restore the position and reputation of such Witness.

Complainants: If an allegation has been made by a Complainant in good faith, the College shall ensure that (a) the Complainant is treated fairly and reasonably; (b) all reasonable and practical efforts are made to protect the Complainant from potential or actual retaliation; and (c) diligent efforts are made to protect or restore the position and reputation of the Complainant. However, in the event that the Standing Committee determines that a Complainant has made an allegation for malicious reasons, or was otherwise not acting in good faith in making such allegation, the Committee shall recommend that appropriate action be taken against such Complainant. In such a case, the Standing Committee will work with the Provost to determine the appropriate action.

Standing Committee and Ad Hoc Investigation Committee members: The College shall ensure that (a) all reasonable and practical efforts are made to protect a member of the Standing Committee or any Ad Hoc Investigation Committee from potential or actual retaliation, and (b) diligent efforts are made to protect or restore the position and reputation of such Standing Committee and Ad Hoc Investigation Committee members.

If, as a result of a finding of research misconduct, a Respondent with whom a Complainant or Witness works loses funding for his/her research that jeopardizes the salary, stipend or tuition of the Complainant or Witness, the College will provide a temporary guarantee of these funds, as follows:

(a) For a member of the College’s research and support staff, salary or stipend until the last day of the Complainant’s or Witness’ then-current appointment period or the date that is six months after the last day on which the Complainant or Witness was paid from the terminated funding, whichever is later. The Provost may assign such an individual to appropriate alternative work during this period.

(b) For students enrolled in a Teachers College degree program, stipend and/or tuition in accordance with the commitment made to the student by his/her program, subject to the student remaining in good academic standing;

(c) Any such guarantee will terminate when the Complainant or Witness receives funding from an alternate source or accepts an offer of other employment.