Attachment 5
Proposed Changes to University Handbook
Appendix O: Policy on Integrity in Research and Scholarly Activity
Proposed by University Administration
Approved by Faculty Senate Faculty Affairs on April 3, 2018

University Handbook, Appendix O: Policy on Integrity in Research and Scholarly Activity

Policy on Integrity in Research and Scholarly Activity (FSM 12-12-89; revised FSM 11-12-91)

Encouragement of Integrity in Research and Scholarly Activity

~~It is the responsibility of~~ Researchers, scholars, and administrators have the responsibility to create and sustain an atmosphere where honesty and integrity in the conduct of research and scholarly activity are paramount. ~~On the part of~~For individual researchers, integrity requires concern for quality of published works, generosity in recognizing and citing the accomplishments of others, careful review of manuscripts, conferring of co-authorship only to those who have made a significant contribution, and the ability and willingness of all authors to publicly defend published results. Students doing research or scholarly ~~activities~~activity are expected to uphold the same standards of academic integrity as ~~are~~ the faculty and staff. Thus, this policy applies to faculty, unclassified professionals, and students.

Departments and other individual administrative units have the responsibility to provide information regarding accepted standards of professional integrity and quality, including aspects ~~peculiar~~specific to their own disciplines. ~~Such~~This information should ~~serve~~be provided as a continuing reminder to the research staff and as normal training for students. In addition, the members of the faculty, particularly major professors, are responsible for communicating standards for academic conduct to graduate students. ~~Departments should conduct an informed review of the previous work of staff and faculty members at the time of hiring and promotion.~~ It is the responsibility of the administration to ~~prevent fraudulent practices by disseminating~~make available to ~~all of its~~ faculty members and research staff ~~a clear statement of its policies and~~this policy, including the consequences of misconduct.

~~Definition of Academic Misconduct~~

~~It should be emphasized that reporting~~ Reporting research misconduct ~~in scholarly work~~ is a mandatory responsibility shared by everyone at the university.

~~However, frivolous, mischievous, or malicious misrepresentation in alleging misconduct cannot be tolerated. Misconduct in scholarly work may take many forms, but it does not include honest error or honest differences in interpretations or judgments of data. Academic misconduct is defined to include, but is not limited to, the following:~~

~~Fraud. For example, the~~ This policy only governs research misconduct. Other types of misconduct or unethical behavior will be addressed according to applicable University policies and practices.

Definition of Research Misconduct

~~1. "Research misconduct" means~~ fabrication, falsification, or ~~alteration of data.~~
~~2. Improper experimental manipulation. For example, manipulating experiments to obtain biased data.~~
~~3. Improper selective reporting. For example, the omission of conflicting data or experimental conditions.~~
~~4. Plagiarism. For example, taking credit for an exact copy or the rewritten or rearranged work of another.~~
~~5. Improper assignment of credit. For example, failure to cite the work of others, including associates and students, or inadequately identifying the repetition of data or material that appears in more than one publication.~~
~~6. Abuse of confidentiality. For example, improper use of information gained by privileged access, such as information obtained through service on peer review panels and editorial boards.~~
~~7. Misappropriation of funds or resources. For example, the misuse of funds for personal gain.~~
~~8. Mistreatment of students in the course of their research activities by a member of the faculty. For example, requiring students to work with hazardous materials without providing adequate education and/or necessary precautions.~~
~~9. Misrepresentation of one's credentials. For example, degrees earned, publications, academic awards.~~

~~Other~~ plagiarism in proposing, performing, or reviewing research, or in reporting research results. It also includes questionable ~~practices that seriously deviate in an unethical or illegal manner from those that are commonly accepted within the academic community for proposing, conducting or reporting research.~~research practices. It does not include honest error or differences in opinion (for example, interpretation or judgments regarding data).

The definitions of fabrication, falsification, plagiarism, research, and questionable research practices are:

1. "Fabrication" means making up the data or results and recording or reporting them.
2. "Falsification" means 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.
3. "Plagiarism" means the appropriation of a person's ideas, processes, results, or words without giving appropriate credit. This includes republishing one's own research without crediting the prior publication.
4. "Research" means the process to extend human knowledge beyond what is already known.
5. "Questionable Research Practices" include practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research. Examples include, but are not limited to: guest, gift, or ghost authorship; duplicate publication, dropping observations or data points based on "gut feel," inadequate record keeping as outlined by award stipulations, and failure to disclose conflicts of interest.

Procedures to Be Followed in Cases of Alleged Misconduct in Research or Scholarly Activity

This document describes procedures to be followed when research misconduct is alleged against a ~~faculty~~university employee or ~~unclassified staff member. The provost shall appoint 12 tenured members of the graduate faculty, representing diverse areas of research and~~

~~scholarly activity, to serve as members of the Integrity in Research and Scholarly Activity Committee (IRSAC). Members shall be appointed for three-year terms (initial terms to be one, two, and three years to permit staggering of terms in the interest of continuity). Members may be reappointed for a second consecutive term to the IRSAC. In the event it becomes necessary for the provost to select a Review Committee (RC) to investigate an allegation of misconduct as specified in this policy, members of the RC shall be appointed from the membership of the IRSAC.~~ student.

At every stage, great care shall be taken to ensure the rights of the individual(s) charged with ~~academic~~research misconduct and of those ~~bring~~bringing the charges to protect the confidentiality of the proceedings. The charged individual(s) shall be informed of their right to counsel as soon as they are informed of the allegations made against them. Counsel may accompany and provide advice to the individual(s) accused of research misconduct whenever that (those) person(s) is (are) interviewed, but shall not participate directly in these proceedings. At every stage of these proceedings the burden of proof shall rest with the university and shall be by ~~clear and convincing~~the preponderance of the evidence~~.~~, which means that the evidence must show, more likely than not, that the person(s) engaged in research misconduct. The procedures shall be carried out in a timely manner and care will be taken to ensure due process for all involved.

~~Any member~~A finding of research misconduct requires that: (1) there be a significant departure from accepted practices of the relevant research community; (2) the misconduct be committed intentionally, or knowingly, or recklessly; and (3) the allegation be proven by a preponderance of evidence.

1. Appointing the Integrity in Research and Scholarly Activity Committee

   The Vice President for Research (VPR) shall appoint 15 tenured members of the graduate faculty, representing diverse areas of research and scholarly activity, to serve as members of the Integrity in Research and Scholarly Activity Committee (IRSAC). Members shall be appointed for three-year terms. Members may be reappointed for two consecutive additional terms to the IRSAC. In the event it becomes necessary for the Provost to select a Review Committee to investigate an allegation of research misconduct, members of the Review Committee shall be appointed from the membership of the IRSAC.

2. Reporting of Alleged Research Misconduct

All members of the university community ~~who becomes aware of an~~ have the responsibility to report suspected, observed, or apparent ~~instance of academic misconduct has the duty~~instances of research misconduct to the appropriate Department Head, Dean, the VPR, or the Provost. This requirement does not prohibit persons from reporting research misconduct elsewhere, nor does it require that a person make a report to the University first. But a timely report to the University is required.

Before making a report of research misconduct, individuals are encouraged to try to resolve the issue directly with ~~the parties~~all researchers involved. If ~~direct consultation is inappropriate or unsuccessful, the~~ the issue is resolved with the researchers, then no report is required.

If an individual ~~shall report the~~ is unsure whether a suspected incident ~~in writing to the appropriate department head, dean, or the provost.~~falls within the definition of research

misconduct, he/she may meet with the VPR to discuss the suspected research misconduct informally. If the circumstances described by the individual do not meet the definition of research misconduct, the VPR will refer the individual or allegation to other offices or officials as appropriate. Using this process with the VPR will not result in a malicious or frivolous allegation of research misconduct.

Department Heads, Deans, and other administrators, as well as the entire academic community, are charged with protecting the careers of persons who ~~have reported such possible misconduct charges in good faith. Persons making such charges shall be informed of the possible legal consequences of making frivolous, malicious, or mischievous charges~~report possible research misconduct in good faith. But malicious or frivolous allegations of research misconduct are not acceptable. A "malicious" allegation means that the person knows the allegation is false. A "frivolous" allegation means that the person has made the allegation with reckless disregard for its truth or falsity. Generally, a person should examine the readily ascertainable information available before making a research misconduct allegation. A person making a malicious or frivolous allegation may be subject to discipline, up to and including termination of employment.

~~1. The department head shall promptly bring the charges to the attention of the vice president for research (VPR), if they have not already been brought to the VPR's attention by the person making the charges.~~

3. Inquiry

The VPR, upon receiving a ~~complaint of~~ formal report of potential research misconduct, will immediately conduct an inquiry~~. The purpose of the inquiry is to determine whether there appear to be grounds for referring the complaint to an RC for a full investigation.~~ regarding the allegation. The VPR will be assisted in the ~~investigation~~inquiry by the Dean of the College ~~and~~, the Head of the Department in which the ~~accused faculty member~~respondent is appointed, the Senior Associate Vice President for Research, and others as deemed necessary by the ~~director of the appropriate experiment station (AES and EES) or the director of the Bureau of General Research.~~ VPR.

The inquiry will include: (1) an interview ~~of~~with the complainant (the person(s) making the allegation, regardless of where the allegation is made) to acquire a thorough understanding of the ~~complaint~~allegation; (2) ~~a determination~~an evaluation of ~~whether~~ the ~~complaint, as reported, constitutes academic~~allegation to determine, if true, research misconduct may have occurred~~;~~ (if not, then the VPR will close the inquiry); (3) an interview with the respondent (the person ~~accused,~~(s) about who the allegation is made), giving a full account of the complaint and affording a full opportunity to respond; and (4) as appropriate, a review of pertinent written documentation and interviews with ~~persons~~individuals who may have knowledge ~~of~~regarding the ~~complaint. It is expected that~~ allegation.

The inquiry ~~will~~should typically be completed within ninety (90) calendar days~~. The records of the inquiry~~, but some factors may require a longer time. At the end of the inquiry process, the inquiry team will create a report with its conclusions.

The inquiry team report should include: (1) a description of the specific allegation of research misconduct; (2) the basis for recommending or not recommending that the allegations warrant a full investigation; (3) a summary of the inquiry team conclusions; and (4) any documents acquired as part of the inquiry.

The inquiry team report shall be kept in the ~~provost's~~VPR's office for three years after conclusion of the inquiry.

There are three potential outcomes of an inquiry.

(1) If the inquiry ~~leads to the conclusion~~team concludes that ~~academic~~no research misconduct has ~~not~~ occurred, ~~both~~then the complainant and the ~~person accused of misconduct~~respondent will receive a letter from the ~~administrators conducting~~VPR describing the inquiry ~~stating the steps that have been taken~~process and the determination that has been made. But if the inquiry ends before the respondent is notified about the allegation, then the VPR will determine whether to provide a letter to the respondent.

If the inquiry ~~leads to the conclusion~~team determines that the allegation may have been malicious or frivolous, then the inquiry team will notify the Provost. The VPR is responsible for determining whether an allegation is malicious or frivolous, and if so, then the VPR will recommend sanctions to the Provost. The Provost will decide any sanctions.

(2) If the inquiry team concludes that research misconduct has definitely occurred but that it is not of such a serious or complex nature as to require a ~~further investigation, that conclusion will be reported to the provost.~~full investigation, then the inquiry team report, including any recommended sanctions will be provided to the Provost and the respondent. Within ten (10) calendar days from the date the inquiry team's report was issued, the respondent may submit written comments to the Provost regarding the report. The Provost may also meet with the respondent, at the Provost's option. If the Provost concurs with the ~~conclusion, both the complainant and the person accused of~~ inquiry team's finding of research misconduct ~~will receive a letter from the administrators conducting the inquiry stating the steps that have been taken, the determination that has been made, and any remedial actions required~~, then the Provost will issue a letter imposing appropriate sanctions, including any described in section 5, below. If the Provost does not concur with the inquiry team's finding or believes that a full investigation is warranted, then the Provost will assign the matter to a Review Committee.

(3) If it appears from the inquiry that research misconduct may have occurred and that a full investigation is warranted, the VPR will refer the ~~complaint~~matter to the Provost and provide the inquiry team report. The inquiry team report will also be provided to the respondent. Within ten (10) calendar days of receiving the inquiry team report, the~~n~~ respondent may submit written comments to the Provost regarding the inquiry team report. The respondent's comments will be provided to the ~~provost.~~ Review Committee.

The ~~referral to the provost~~VPR will ~~include a description~~notify applicable agencies, such as the Office of Research Integrity, if the ~~steps taken in~~outcome of the inquiry ~~and~~is a finding of research misconduct or the ~~factual basis for the determination that~~initiation of a full investigation ~~is warranted. Any pertinent documentation received during the inquiry will accompany the referral.~~ .

4. Full Investigation by Review Committee

After ~~review~~receiving the ~~provost will refer the report~~matter from the ~~inquiry to a RC for~~VPR, the Provost will charge a review committee with completing a full investigation. The Provost will also notify the ~~person accused of wrongdoing~~respondent and the complainant of the results of the inquiry and ~~of the referral to a review committee.~~the referral for full investigation, and provide both with a copy of the inquiry team report. The full investigation should generally begin within thirty (30) calendar days after referral to the Provost.

The Rreview Ccommittee shall consist of ~~five~~ 5 members~~; four shall be~~ selected from the IRSAC~~ and one shall be a tenured faculty member from the department of the individual whose conduct is in question.~~. In addition, where appropriate, the ~~RC should use~~review committee may consult with a person from the ~~charged individual's~~respondent's discipline outside Kansas State University as an advisor. One appointed member will be ~~named chair to~~appointed by the Provost as Chair. The Chair will convene the committee, preside over meetings, and provide leadership in preparation of committee reports. The ~~RC~~Review Committee shall seek the advice of the university general counsel prior to initiating the ~~review~~full investigation, and ~~then~~throughout the process as needed.

At the time of the appointment of the ~~RC~~Review Committee, the ~~person being charged with misconduct~~respondent shall be informed by the Provost in writing of the names of the selected committee members~~.~~ and that respondent has a right to counsel. The ~~person charged~~respondent shall have the right to use up to two peremptory challenges to the ~~ad hoc appointments~~first group of committee members appointed by the Provost~~ and be informed of~~ .

The Review Committee should use diligent efforts to ensure that the ~~right to counsel.~~

investigation is thorough and sufficiently documented. The Rreview Ccommittee shall conduct a thorough investigation of the allegations to determine ~~(1)~~ whether the ~~charges are well founded and (2) if the allegations are unfounded, to determine whether they may be frivolous, mischievous, or malicious.~~respondent engaged in research misconduct.

The ~~RC~~Review Committee is expected to meet first with the ~~person lodging the complaint~~complainant to hear the ~~complaint~~allegation in full, receive any pertinent written information, receive the names of other ~~persons~~individuals who should be interviewed, and identify any additional written documentation that should be sought by the committee. This ~~would be~~is followed by a meeting with the ~~person against whom the complaint is brought to review the complaint and~~respondent to ~~give an opportunity~~review the allegation. The respondent will be asked to respond to the allegation and to provide names of any additional individuals who should be interviewed or documents~~ that should be sought. The committee would then~~ , records, or other materials that would be relevant to the review. The review committee will determine whether additional individuals should be interviewed, interview those additional ~~persons~~individuals, and review all relevant documentation and materials. All interviews should be recorded.

~~The RC shall~~The Review Committee will typically report the results of their review ~~to the provost,~~ in writing~~,~~ to the Provost within ~~90~~120 calendar days~~. The~~ , unless circumstances require a longer time period. The Review Committee report should include~~ an account of the allegations, the persons interviewed, the~~: (1) a description of the specific allegation of research misconduct; (2) a description of the Review Committee's process; (3) the facts as determined by the Review Committee; (4) the Review Committee's conclusions regarding research misconduct; (5) the respondent's position regarding the Review Committee's report; (6) if research misconduct occurred, then recommendations to the Provost for remedial actions and/or sanctions; and (7) a list and description of the persons interviewed and relevant documents, records, and other materials received~~, the position of~~ and reviewed.

The respondent~~, and the conclusion(s) drawn by the committee. The charged individual~~ will ~~receive~~be provided with a copy of the ~~report. Before the committee makes its~~draft report~~, the person whose conduct is being questioned shall be provided with the opportunity to discuss the matter with the committee, with or without counsel. A summary of such~~

~~discussions~~ and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. Within ten (10) calendar days from the date the draft report was provided, the respondent may submit written comments and additional evidence to the review committee regarding the report. The review committee will consider the respondent's submissions and take any additional actions the Review Committee deems appropriate. At minimum, the respondent's position regarding the report will be ~~made a part of~~reflected in the ~~committee's~~final report.

~~2. If the committee concludes that there has been no academic misconduct, the matter shall be considered closed and nothing shall be placed in the personnel files of the person who was charged with misconduct. Both the person making the charges and the person charged shall be notified of this decision in writing.~~

~~If the charges were found by the RC to be not only unfounded, but also frivolous, and the provost concurs, this too shall be noted in writing to both parties.~~

~~All proceedings shall be tape-recorded and~~ All written and ~~tape-~~recorded records of the Review Committee shall be sealed and deposited in the office of the Provost. Records will ordinarily be retained for a period of ~~six~~seven years.

~~The provost may take disciplinary action against the person filing the accusation if an allegation is found to have been frivolous, malicious, or mischievous. The provost may reprimand an individual for lax supervision, faulty techniques, or inattention to propriety even when willful misconduct is not established.~~

~~If the committee~~ 5. Completion of Case and Administrative Actions

If the Review Committee concludes there has been no research misconduct, the matter shall be considered closed and nothing shall be placed in the respondent's personnel file. Both the complainant and the respondent will be notified of this decision in writing.

If the Review Committee determines that there was no research misconduct and that the allegation may have been malicious or frivolous, then the Review Committee will notify the Provost and VPR. The VPR is responsible for determining whether an allegation is malicious or frivolous, and if so, then the VPR will recommend sanctions to the Provost. The Provost will decide any sanctions.

If the Review Committee finds ~~sufficient evidence~~ that ~~academic~~research misconduct occurred, ~~members~~it shall recommend appropriate sanctions, which may include, but are not ~~necessarily~~ limited to~~,~~: (1) a letter of reprimand ~~being~~ placed in the personnel file~~,~~; (2) loss of rights to conduct research and scholarly inquiry~~,~~; (3) removal from the graduate faculty~~,~~; (4) suspension, in cases for which the charges were not deemed serious enough to warrant ~~dismissal, or~~termination of employment; and (5) ~~dismissal~~termination of employment.

If ~~academic~~research misconduct is ~~established~~determined to have occurred by the Review Ccommittee, then the ~~university~~ Provost shall take action appropriate to the seriousness of the misconduct. The Pprovost will promptly give written notice to the ~~person charged with misconduct~~respondent of the action the university intends to take. Within twenty (20) calendar days of such notification, the ~~person charged~~respondent may appeal the proposed action to the appropriate board as set out below for a formal hearing. The notice from the Provost will state that failure to bring an appeal within twenty (20) calendar days after

notification will be considered an informed waiver of the ~~person's~~respondent's right to further appeal the findings of the committee and the sanctions proposed by the Provost.

If the Provost finds that the research misconduct is serious enough to warrant dismissal and the individual charged is a tenured faculty member, the ~~charged individual~~respondent may appeal the proposed dismissal as prescribed in Appendix M of the University Handbook, Procedure for Review of Dismissal of Tenured Faculty, and the procedure therein followed to its terminus.

The ~~person charged~~respondent may appeal the proposed dismissal or other sanctions to the General Grievance Board under the procedures of Appendix G of the University Handbook.

Graduate students may appeal the proposed dismissal or other sanctions under procedures of the Graduate Handbook. (http://www.k-state.edu/grad/graduate-handbook/appendixa.html)

Undergraduate students may appeal student code of conduct violations through the Judicial Branch of the Student Governing Association. (http://www.k-state.edu/sga/judicial/index.html)

All stages of this process are to be regarded as confidential. The disclosure of information to parties not directly involved is regarded as a serious breach of conduct. ~~Prior to the completion of the entire process, funding agencies will be informed only as required by pertinent laws, regulations, and contractual agreements. Upon completion of the entire process, the provost shall inform additional parties as is deemed appropriate.~~

Where research misconduct is established, the university shall do everything feasible to ~~clarity~~ clarify the public record. This action may take the form of public announcements, published retractions, and disassociations with published papers or abstracts. ~~In particular, funding agencies shall be fully informed to comply with applicable laws, regulations, and contractual agreements~~The university may also provide a written summary of the outcome to a complainant.

All pending abstracts and papers emanating from ~~the fraudulent~~ research misconduct shall be withdrawn and editors of journals in which reports, papers, or abstracts of such work have appeared shall be notified in sufficient detail to establish correct public record. This notification shall be done by the P~~p~~rovost with information supplied by the ~~faculty member in charge of the fraudulent research~~respondent and the chair of the R~~r~~eview C~~c~~ommittee.

If ~~academic~~research misconduct is not established, the university shall consider whether a public announcement would be harmful or beneficial in restoring any reputations that may have been damaged. That decision will rest with the exonerated individual(s).

~~Much of the information in this statement was obtained from the Iowa State University Graduate Council Report, Recommended Policy on Integrity in Research.~~

Upon completion and closure of the case, a letter will be sent to the VPR documenting the resolution of the case and the matter will be considered closed.