March 1, 1995

ADMINISTRATIVE MEMORANDUM NO. 66

To: Vice Presidents, Deans, Directors, Department Chairs, and Other Administrative Officials

From: Gordon H. Lamb, President

Subject: Scientific Misconduct

1. Preamble

Northeastern Illinois University recognizes that integrity in research is an uncompromising component of academic life. Toward the end of assuring the continuance of this goal at Northeastern Illinois University, we adopt the following procedures for dealing with and reporting possible misconduct in science.

The University recognizes that cases of scientific misconduct are rare. Nevertheless, it is the intent of this policy to provide a basis for dealing with any alleged occurrence of scientific misconduct (as defined in our definitions section) at the University on a research, research-training or research-related grant or cooperative agreement funded by the Public Health Service (PHS). It is recognized that non-scientific issues are covered by other policies and are not intended to be part of these considerations.

2. Definitions

a. "Misconduct" or "misconduct in science" means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It
does not include honest error or honest differences in interpretations or judgments of data.

b. "Funded by" means the provision of monetary or other direct support through grants, cooperative agreements, or fellowships, and includes sub-grantees, contractors under grants, and individuals who work on the funded research project even though they do not receive compensation from the Federal funds.

c. "Investigator" (called the "accused" in this document) means a principal investigator, any co-investigator, the program director or trainee on a training grant, a recipient of a career award or fellowship, or other individual who conducts or is responsible for research or research training funded by PHS or proposed for funding in an application to PHS.

d. An "Inquiry" means information-gathering and initial fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

e. An "Investigation" means an in-depth examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place.

Definitions for this policy were obtained from the NIH Guide for Grants and Contracts, Vol. 18, No. 30, September 1, 1988 (as contained in Policy Memorandum No. 49) and the August 8, 1989 Federal Register, Vol. 54, No. 151, page 32449. This Federal Register gives the final rule on 42 CFR Part 50, "Responsibilities of Awardee and Applicant Institutions for Dealing with and Reporting Possible Misconduct in Science."

3. Guiding Principles

a. To help insure the protection of academic integrity in research at the University.

b. To insure appropriate confidentiality for both the complainant and the respondent during the process.

c. To secure a fair and just hearing for the respondent.

4. Procedures for Dealing with Misconduct

a. Scientific Misconduct: Allegations and the Committee Process
1) Assertions or charges of misconduct are to be in writing and signed by the accuser. They are to be submitted to the Provost.

2) The process for dealing with possible misconduct will include the initiation of at least one and possibly two committees. In the case of an accusation, the first committee, the Inquiry Committee, will be appointed by the Provost on an ad hoc basis. The chairperson of this committee will be the Dean of the Graduate School. The committee will consist of the Director of Sponsored Programs plus three (3) additional members -- all of whom have significant University administrative and/or research and teaching experience.

3) If, and only if, this committee finds reason to pursue the allegations, a second committee, the Investigative Committee, will be convened. The Investigative Committee will be a standing committee appointed by the Provost and shall include the Director of Sponsored Programs as a member. The Dean of the Graduate School shall serve as the Chair of this group. Additional members shall be appointed, on a staggered basis, for three (3) year terms.

b. Accusations and Confidentiality

Upon receipt in writing of alleged misconduct, the Provost will, if necessary and after appropriate consultations, appoint an ad hoc Inquiry Committee and refer the matter to the Chair of the Inquiry Committee. The Committee will then proceed to initiate an inquiry into the charges. During this process all involved will endeavor to keep confidential the names of both the accused and accuser. Confidentiality will be breached only on a “need to know” basis.

c. The Inquiry and the Investigation

1) The definitions above emphasize that the inquiry stage of the misconduct process is only to determine whether there is sufficient evidence to initiate an investigation.

2) In many cases, action on the recommendations at this stage of review will complete the case appropriately and justly. For example the allegation of misconduct may be sustained, but its magnitude
may be deemed to require only minor sanctions or changes in practice.

3) This investigation stage of the process will occur when, and only if, the inquiry has provided sufficient reason for a formal examination to determine whether misconduct has occurred.

4) Where evidence of serious misconduct is found to be clear and present, and where sanctions may include termination of employment, financial restitution, debarment by a sponsor, or other heavy penalties, a full investigation is warranted to establish the scope of the problem and to insure full due process.

5. Inquiry

   a. The Chair of the Inquiry Committee will, prior to contacting the committee, discuss with the Provost, the possible involvement of legal counsel in the matter. After a determination has been made relative as to whether to involve the legal counsel, the chair will initiate an inquiry as to the merits of the accusation. The inquiry will be completed within 60 calendar days from receipt of the allegation (unless circumstances clearly warrant a longer period). In the process of the inquiry, the appropriate Dean and Department Chair shall be consulted. A written report shall be sent to the Provost.

   b. During the inquiry, the accused will be provided with an opportunity to respond to the charges. This response will be duly recorded in the record for these proceedings. Records of this process shall be maintained by the University for 3 years.

6. Investigation

   a. If after review of the results of the inquiry, the Provost determines that there is sufficient grounds to warrant an investigation, such an investigation shall be initiated within 30 days of the completion of the inquiry. The investigative body shall consist of the University’s Misconduct Investigative Committee plus additional members deemed vital by the Provost for a fair and impartial resolution.

   b. The following procedures shall be utilized as part of the investigation:
1) The accused investigator shall be informed in writing of the charges against her/his prior to the initiation of the investigation.

2) "The investigation normally will include examination of all documentation, including, but not necessarily limited to, relevant research data and proposals, publications, correspondence, and memoranda of telephone calls." (Federal Register, page 32450, item 7)

3) "Whenever possible interviews should be conducted of all individuals involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegations: complete summaries of these interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the investigatory file." (Federal Register, page 32450, item 7)

4) The committee shall secure the necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence. (paraphrase of Federal Register, page 32450, item B.)

5) Precaution will be taken against conflicts of interest between the accused investigator and members of the investigating committee.

6) Interim administrative action may be taken, as appropriate, to protect federal funds and insure that the purposes of the federal financial assistance are carried out. (Federal Register, page 32450, item 11)

7) The committee and the University will keep the Office of Scientific Integrity apprised of any developments during the course of the investigation which discloses facts that may affect current or potential Department of Health and Human Services funding for the individual(s) under investigation or that the PHS needs to know to ensure appropriate use of federal funds and otherwise protect the public interest. (Federal Register, page 32450, item 12)
7. Actions After the Investigation

a. The University will make a diligent effort, where appropriate, to restore the reputations of persons alleged to have engaged in misconduct when allegations are not confirmed. (Federal Register, page 32450, item 13)

b. Similarly, the University will undertake diligent efforts to protect the position and reputations of those people, who in good faith, made the allegations. (Federal Register, page 32450, item 13)

c. The University will, in accordance with appropriate system and institutional regulation, impose appropriate sanctions on individuals when the allegation of misconduct has been substantiated. (Federal Register, page 32450, item 14)

d. Appropriate federal agencies will be notified of the final result of the investigation. (Federal Register, page 32450, item 15.)