About This Policy

Effective Date: April 2009
Last Updated: April 2009
Responsible University Office: Office of the President
Responsible University Administrator: President
Policy Contact: Office of the President
president@clarkson.edu

Preamble

All Clarkson employees and students are expected to adhere to ethical conduct in the exercise of their duties and studies. Should misconduct arise within the context of scholarly activity, it will be dealt with according to the following general principles:

- Well-founded accusations of scholarly misconduct made in good faith must be given serious consideration;
- An accused person or persons must be assumed innocent until the weight of evidence requires a conclusion to the contrary;
- Every effort should be made to protect the privacy and reputation of both the complainant and the respondent, to provide for due process, and to restore the good name of the unjustly accused individual or individuals.

Definitions

Scholarly activities: All basic, applied and demonstration research, including scholarship and creative work in non-scientific fields.

Misconduct: Fabrication, falsification, plagiarism, autoplagiarism (claiming one's own previously published work as new work), or aiding or abetting those practices that seriously deviate from those that are commonly accepted within the scientific and humanistic communities for proposing, conducting or reporting research. Misconduct does not refer to honest error or honest differences in interpretations or judgments of data.

Inquiry: Information and fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

Investigation: The formal examination and evaluation of all relevant facts to determine whether misconduct has occurred.

Policy

As an institution devoted to the creation and dissemination of new knowledge through research and scholarship, Clarkson University is committed to maintaining the truthfulness and integrity fundamental to these activities through the responsible and ethical conduct of its faculty, academic professionals, staff and students. The University has developed and approved the following procedures for dealing with alleged misconduct. These procedures are also intended to protect innocent researchers and scholars from harassment, to prevent interference with their academic freedom, and to protect from retribution those who report alleged misconduct. Mishandling of allegations of misconduct can have devastating consequences. Clarkson University is dedicated to uniform, centralized and precise procedures for dealing with misconduct. Key to these procedures is the tone set by campus leaders, center directors, supervisors of laboratories and programs and department heads in communicating Clarkson's policy on misconduct by example, and through regular discussion and review of research, scholarship and creative endeavors.

Reporting Alleged Misconduct

Formal allegations of misconduct should be presented in writing in a confidential manner to the University Provost or equivalent chief academic officer. The Provost will first launch an initial inquiry to determine whether the alleged misconduct falls within the purview of this policy. The Provost will refer the inquiry to a faculty task force. The composition and membership of the task force is to be determined by majority vote of Faculty Senate.

The members of the task force may seek a confidential interview with the complainant and will consult with outside administrators and anyone else they deem appropriate to conduct the initial inquiry. During the initial inquiry and, if warranted, subsequent investigation, the Provost and task force will take appropriate steps to keep the identities of the complainant and respondent confidential, to the extent permitted by due process rights, to assure that no complainant acting in good faith will experience retaliation and to ensure that damage to the integrity of the respondents will be minimized.
The task force shall prepare a report to the Provost within no more than 30 calendar days from the date of the first written allegation (required by federal regulation 42 CFR 50, subpart A). If the task force determines that the allegation does fall within the purview of this policy, the Provost shall take the following steps:

- Notify in writing appropriate administrators, the respondent and the complainant.
- Convene a Misconduct in Research & Scholarship (MRS) Committee to consist of members elected by Faculty Senate.
- See that an investigation begins no later than 30 calendar days after an initial inquiry is completed and that the subcommittee completes its investigation and report within 120 calendar days from the beginning of the investigation (required by federal regulation).
- See that an investigation entails examining all pertinent information, including review of records and hearing testimony, if necessary. Written summaries of interviews should be prepared as part of the report and experts from within and without the University should be consulted, as necessary. The respondent must have an opportunity to respond to the allegations and may be assisted, but not represented, by legal counsel, research collaborators, and professional associates.

The written report will include supporting documentation and must include:
- a description of the policies and procedures under which the investigation was conducted,
- a summary of the evidence reviewed and interviews conducted,
- the actual text or an accurate summary of the views of any individual(s) found to have engaged in academic misconduct,
- the findings regarding academic misconduct and the basis for these findings,
- recommended administrative actions to repair any damage the misconduct may have caused, and
- recommended disciplinary actions ranging from reprimand to termination, and submission of the investigative report to the respondent(s) and the complainant(s) for written comments, which comments, if any will become part of the record of the investigation.

Findings

The MRS Committee will report its findings and recommendations to the Provost. The report will include supporting documentation. Based on the findings, the Provost will summarize the report for appropriate administrators, and the respondent. The Provost will take the following actions, depending on the outcome of the investigation:

- **Finding of No Misconduct**
  If the MRS concludes that no misconduct occurred, Clarkson's administration will work diligently to counter any damage to the individual's reputation that the investigation caused. The Provost will retain the MRS report and supporting documentation as confidential, personnel-related material; after three years from report date, the material will be destroyed.

- **Finding of Improper or Malicious Allegations**
  If the MRS finds that the complainant made improper or malicious allegations, the Provost will notify appropriate University administrators, who will initiate appropriate disciplinary action against the complainant under pertinent Clarkson policies.

- **Finding of Misconduct**
  If the MRS investigation concludes that misconduct has occurred, the Provost will impose appropriate sanctions in consultation with the Chair of the respondent's academic unit and the Dean of the appropriate School. Sanctions may range from reprimand to termination. In addition, the Provost will notify any affected funding agencies and editors of affected publications of the results of the investigation.

Appeals

The respondent will have the opportunity to appeal the decision based on the findings, according to pertinent Clarkson policies and procedures as outlined below:

Faculty members may appeal in writing to the President of Clarkson University no later than thirty (30) days following the date of written finding. The President, at his or her discretion, will appoint an appropriate Appeals Committee, composed so as to minimize conflicts of interest, to investigate the appeal. In consultation with the Appeals Committee, the President will render a written decision no later than thirty (30) days following the date of written appeal. The decision of the President is final.

Staff appellants should follow the policy and procedures as set forth in the Clarkson Employee Manual under Section 3.1.13, General Grievance Procedures.

Student appellants should follow the policy and procedures as set forth in the Clarkson University Student Regulations, Section VII, Grievance Procedures for Students.

History

Existing Scientific Misconduct Policy Incorporated in the Operations Manual with Faculty Senate and Administrative Council Approval, April 2009