



PONTIFICAL CATHOLIC UNIVERSITY OF PUERTO RICO

POLICY AND PROCEDURES STATEMENT ON THE INTEGRITY OF RESEARCH

(This document applies to all PCUPR members, staff, graduate and undergraduate students engaged in research which has been approved or reviewed by PCUPR Committees, regardless of where the research is conducted.)

Although the University has a policy statement which details appropriate ethical standards (Administrative Personnel Manual Faculty Manual Handbooks), there is no specific consideration of misconduct resulting from failure to follow required ethical standards in the conduct of research. This document outlines the Pontifical Catholic University of Puerto Rico procedures to be used when allegations of misconduct in research have been made against faculty, staff member, fellow, or student.

If the person charged was an employee, and the employee is no longer employed by the University, the first stage of this procedure (i.e. fact finding) may still be used at the discretion of the Vice President of Academic Affairs with the advice of the Legal Counsel. If, as a result of fact finding, there is cause to believe that misconduct has occurred, the Dean of the appropriate College will be responsible to contact the funding agency.

Falsification or fabrication of data, plagiarism, knowing misrepresentation of information, and the failure to maintain a high level of scholarly integrity in carrying out and/or disseminating the results of scholarly activity are all acts of misconduct which may be grounds for disciplinary action. Misconduct does not include those factors intrinsic to the process of research, such as honest error, conflicting data, or differences in interpretations or judgment about data, or experimental design. Allegation of lesser offenses may be handled through administrative channels, while other acts and allegations, if sufficiently grave, require a formal investigation. Allegations of misconduct which would be subject to an investigation include at least the following:

A. Falsification of Data

Dishonesty in reporting results, e.g. fabrication of data, improper adjustment of results, gross negligence in collecting and analyzing data (e.g. adjusting sample sizes through deletion of cases to achieve statistical significance of results), selective reporting of data, omission of conflicting data for deceptive purposes.

B. Plagiarism

Taking credit for work and ideas not one's own, stealing others' results and methods, copying the writing of others without acknowledgement or otherwise taking credit falsely.

C. Abuse of Confidentiality

Taking or releasing the ideas or data of others which were given in the expectation of confidentiality, e.g. stealing ideas from grant proposals, award applications or manuscripts for publication when one is a reviewer for granting agencies or journals.

D. Dishonesty in Publication

Knowingly publishing material that will misled readers, e.g., misrepresenting data, particularly its originality, adding or deleting the names of others authors without their knowledge or permission.

In addition, failure to report observed research misconduct by others, including deception and other activities that seriously deviate from commonly accepted scientific procedures, is considered as misconduct. Ethical conduct requires researchers to:

1. accept responsibilities for the integrity of the research being conducted and the quality of the work reported;
2. allow only those researchers who have a genuine role in the research to be listed as co-authors, and
3. retain research data and records for a period of at least five years after publication to provide opportunity for verification of the reported results.

Processing Initial Reports of Misconduct

Because of the potential jeopardy to the rights and reputation of the accused, great care must be taken to handle investigations in ways that preserve confidentiality. Information should be provided only to those whose administrative or adjudicative role make clear a need to know

The first step in the process of determining whether misconduct in science has occurred is a confidential meeting between the unit administrator and the person making an accusation of misconduct. The purpose of this meeting may be to clarify

issues and/or to initiate review of the allegations. The person initiating the meeting has the right to bring a colleague of equal or senior status who is aware of the allegations. If it is the chairperson or director of a department or a research unit who is accused of misconduct, the initial meeting occurs with the Dean of the College.

If, after the confidential meeting, the complainant decides to proceed with the allegations of misconduct in science, the basis for such charges must be communicated in writing to the unit administrator who is in charge of the unit in which the accused is employed. Again, if the department chairperson is accused, the charge letter is sent to the Dean of the College.

A copy of the letter of allegation should also be sent to the Director of the research project in question, if the allegations made are against either his/her, or a research under his/her direct supervision. The unit administrator shall report this allegation to the Dean of the College. If a director/chairperson is accused, the process originates with the Dean of the College, which in turn, will inform the Vice President for Academic Affairs.

The unit administrator or his/her designee shall immediately notify the party against whom the allegations are being made. Notice should include the nature of the charges and the proposed process for the review of the allegations. The purpose of this initial review or fact finding process is to determine where sufficient cause exists to initiate a formal investigation.

The review is done by the unit chair and director, and should be undertaken in as short a time frame as possible (within 30 days). The unit administrator begins fact finding with a more detailed exploration of the allegation with the individual(s) making the charges, followed by an exploration of the charges with the individual(s) against whom the allegation has been made. Other persons named by either party can also be queried, and writing work, research data, etc., may be requested for review. The administrator conducting the inquiry must then make the judgement whether sufficient abuse exists to warrant formal investigation. Care should be taken that confidentiality is appropriately insured. Persons making malicious or intentionally dishonest allegations will be subject to disciplinary action.

Once fact finding is complete, the unit administrator will meet with the Vice President for Academic Affairs to report to him the results of the fact finding process. The individual(s) accused will also be promptly informed of the results. If sufficient cause indicates that a formal investigation should occur, the individual(s) charged must be sent a written statement of the allegations by registered mail. A copy of the statement of allegations will be sent to the Vice President for Academic Affairs and the Dean of the College.

Cases involving criminal violations of federal laws must be reported to the appropriate federal agency by the University Legal Counsel. While the Legal Counsel must be notified at this point in the process, the Counsel shall represent the University with regard to its responsibilities to the external funding agency, not as counsel to any of the administrative review. Except in unusual circumstances, all steps in the internal administrative review should be taken by responsible peers, and legal counsel should not be used by either side. Since this is an administrative hearing and the rules of evidence applicable in a court of law are not controlling, there is no role for legal counsel.

If the fact finding fails to establish sufficient basis for an investigation, the person(s) against whom the allegations were made, the person(s) making the allegation, the Dean of the College, the Vice President for Academic Affairs, and the Legal Counsel shall be so informed in writing by the administrator conducting the inquiry. A written statement of why the allegations were not sustained shall be retained by the unit administrator.

In the unusual situation where the potential risk to public health is high or where there may have been criminal violations, the appropriate federal agency may be informed by the Dean of the College early in the inquiry process. This step must have the prior written concurrence of the Vice President for Academic Affairs and the Legal Counsel. The individual(s) against whom the allegation has been made must also be informed in writing by the administrator conducting the inquiry that a federal agency has been informed of the allegations.

The hearing to determine if misconduct has occurred will normally be held at the unit level, but either the unit administrator and/or the person accused of misconduct may, in the interest of fairness, request a university-level hearing. Such a request must be in writing to the Vice President of Academic Affairs with a copy to the Dean of the College. In such a case the Vice President for Academic Affairs will determine whether the hearing will be held at the unit or university level. The formal hearing to determine if misconduct in science has occurred will be controlled by the by-laws of the Pontifical Catholic University of Puerto Rico. A special panel composed by the Vice President for Academic Affairs as ex-officio member and chairperson of the group, and three faculty members appointed by the President of the University, will be created to conduct the formal hearing in each case.

A formal investigation of the charge of misconduct in research shall include an evaluation of the charges stated in writing. The hearing panel shall examine relevant data, such as the original proposal, the researcher's laboratory notebooks, abstracts, publications, reports, pertinent requisitions, appointment forms, attendance at instruction sessions, and testimony of other laboratory occupants as well as the individual(s) accused of misconduct in science, and any relevant data these individuals

can provide. Based on the findings from the hearing, a decision will be reached by the panel as to whether a preponderance of the evidence supports the allegation of misconduct in research.

The formal investigation shall be completed within 60 days following the administrative decision that sufficient cause exists to conduct a formal hearing. At the end of 45 days, if it appears the investigation cannot be completed in 60 days, a report shall be provided to the Dean of the College and, if the research is externally funded, to the Legal Counsel, conveying the current status, the cause of the delay and the probable date of completion of the investigation.

When the investigatory process is complete, the following occurs:

- **Misconduct Not Identified**

When the panel fails to find misconduct on the part of the person(s) against whom the allegations were made, the accused, any agencies informed of the investigation, and the person making the allegations shall be so informed at the earliest possible time. It will be the responsibility of the chairperson of the panel to provide a written statement of the panel's decision to the President of the University, the Dean of the College, the unit administrator, and to inform the accused of the outcome. This statement will be retained in departmental records indefinitely.

- **Misconduct identified**

When the panel finds misconduct the following steps will be taken:

1. The chairperson of the hearing panel will provide a written statement summarizing the findings of the panel and the recommended action(s). These may range from departmental censure to initiating an action to dismiss a faculty member, requiring funds to be reinstated, articles withdrawn, etc. This statement will be sent to the President of the University and the Dean of the College.
2. The chairperson of the hearing panel will inform of the outcome to the individual charged, and a copy of the findings and recommendations will be provided for the purpose of providing an opportunity for written rebuttal.
3. The President of the University will receive the recommendation(s) and will transmit to the appropriate chair direction to implement them. Should the President disagree with the recommendation(s) of the hearing panel, a meeting

will be held between the chairperson of the hearing panel and the President to resolve such differences.

4. The chairperson (unit administrator) will be responsible for implementing the recommended disciplinary action.
5. The chairperson (unit administrator) will inform the individual(s) who initiated the action of its outcome, in writing.
6. When externally funded research is involved, negotiations with all cognizant sponsoring or overseeing agencies will be initiated by the Vice President for Academic Affairs and the University Legal Counsel.
7. Should the faculty member found guilty of misconduct request legal counsel at this point, he/she will assume the costs of such assistance.

If a graduate or undergraduate student is to be subject to University sanctions, the Student Manual document shall guide subsequent steps. If University sanctions are to be imposed on a member of the faculty, administrative sanctions other than dismissal are subject to the process described in the Faculty Manual of the Pontifical Catholic University of Puerto Rico. In all cases, appeal procedures are described in these documents.

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