

LOYOLA UNIVERSITY MARYLAND
MISCONDUCT IN SCHOLARSHIP POLICY AND PROCEDURES

I. Policy Statement

- 1.1. Loyola University Maryland embraces academic excellence, integrity and honesty among its most important core values. According to the University's Core Values statement, "Loyola expects all of its constituent members to embrace, abide by, and help to enforce personal and professional standards of ethics...." Therefore, Loyola recognizes that in the production and dissemination of new knowledge, each member of the Loyola community – faculty, staff, administrators, and students – has a responsibility to ensure to the best of his or her ability that such knowledge is accurate and trustworthy. In the event that questions arise regarding the credibility of investigators or their methods, and therefore the new knowledge itself, Loyola will address those questions in a thorough and timely way.
- 1.2. This Misconduct in Scholarship Policy ("Policy") establishes procedures to resolve allegations of misconduct in scholarship involving "Community Members" (as defined below) that are within the scope of the Policy.
- 1.3. The objectives of these procedures are to ensure that (a) allegations of misconduct in scholarship are investigated in a timely fashion, (b) fair procedures are used, and (c) institutional and individual reputations are protected appropriately.
- 1.4. This Policy shall be administered in accordance with all applicable federal, state, and local laws and regulations and sponsor requirements and guidelines, including but not limited to the Public Health Service Policies on Research Misconduct (42 CFR Part 93).
- 1.5. Any individual may request a copy of this policy statement from Loyola's Office of Research and Sponsored Programs (ORSP) by calling (410) 617-2004 or online at:
<https://inside.loyola.edu/academics/research/orsp/>.

II. Scope

- 2.1 This Policy applies to any person who is employed by, is an agent of, or is affiliated by contract or agreement with Loyola University Maryland ("Community Member"). Community Members may include administrators, faculty, staff, graduate and undergraduate students, researchers, fellows, volunteers, and contractors, subcontractors, sub-awardees, and their employees.
- 2.2 Alleged violations of the Honor Code by students will be addressed in accordance with the Loyola Community Standards (for undergraduates) or the Loyola Graduate Catalogue (for graduate students). Actions taken under these procedures will be consistent with sponsor requirements in instances where sponsored project funding is involved.
- 2.3 This Policy applies to research or other scholarship activities undertaken by Community Members under the auspices of Loyola University Maryland, except that this Policy does not apply to or supersede procedures regarding the ethical treatment of human or animal subjects or

improprieties in the use of funds. It also does not apply to differences of opinion or interests in the workplace, which should be addressed through Loyola's Grievance Policy.

III. Definitions

- 3.1. Misconduct – means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest error or differences of opinion.
- 3.2. Preliminary Inquiry – means an initial review of the evidence to determine whether to conduct a Formal Investigation. A Preliminary Inquiry does not require a full review of all of the evidence related to the allegation.
- 3.3. Formal Investigation – means the formal development of a factual record and the examination of that record leading to a decision not to make a finding of Misconduct or to a recommendation for a finding of Misconduct which may include a recommendation for other appropriate actions.
- 3.4. Respondent – means the person against whom an allegation of Misconduct is directed.
- 3.5. Complainant – means a person who in good faith makes an allegation of Misconduct.
- 3.6. Appropriate Dean – means the Dean of the School or College in which the Misconduct is alleged to have occurred. For instances of Misconduct that do not occur in a School or College, Appropriate Dean means the Vice President overseeing the area.

IV. General Principles

- 4.1. Duty to Report: Any person who has reason to believe that a Community Member is engaging or has engaged in Misconduct should report that belief to the Director of the ORSP. Reports also may be made anonymously through EthicsPoint, a confidential mechanism for reporting concerns about any aspect of University compliance.
- 4.2. Protection from Bad Faith Allegations: Reports made with knowing or reckless disregard for the truth, that are deliberately false, or that are influenced by personal, professional or financial conflicts of interest are not considered to be made in good faith. Reports not made in good faith may become the basis of Misconduct proceedings themselves. In such cases, the procedures set forth in this Policy will be followed in the same manner against the individual(s) making the original allegations.
- 4.3. Protection from Retaliation: No retaliation shall occur against individuals who in good faith report suspected instances of Misconduct or participate in the procedures set forth in this Policy, regardless of the outcome of the Preliminary Inquiry and/or Formal Investigation.
- 4.4. Confidentiality: Every reasonable effort shall be made to ensure that confidentiality is maintained concerning all matters related to these proceedings, including the identity of respondents, complainants, and research subjects. Information shall be shared on a need to know basis.

- 4.5 Compliance with Sponsor Regulations: In cases of sponsored research, investigations will be conducted in accordance with applicable regulations or guidelines of the sponsor. The Director of the ORSP will be responsible for ensuring that the procedures conform to such requirements, including any reporting procedures required by law, regulation, or policy. Researchers should be aware that sponsors may investigate allegations, impose sanctions, and take other actions independent of Loyola University Maryland. In cases that do not involve sponsored research, investigations will be conducted in accordance with the practices adopted by the US Department of Health and Human Services.
- 4.6 Right to Respond: In the conduct of any proceedings related to an allegation of Misconduct, the respondent will be provided with notice of the allegations, a draft copy of any written report, and an opportunity to comment in writing before the report is finalized.
- 4.7 Requirements for a Finding of Misconduct: A finding of Misconduct requires that there be a significant departure from accepted practices of the relevant research community; that the Misconduct be committed intentionally, knowingly, or recklessly; and that the allegation be proven by a preponderance of the evidence.
- 4.8 Restoration of Reputation: Loyola University Maryland will make every effort to protect and restore the reputation of a respondent against whom no finding of Misconduct is made.
- 4.9 Six-year Limitation: Allegations of Misconduct must be made within six years of the date of the incident of Misconduct. However, this time limit may be extended by subsequent instances of republication, citation, or other use of the research record that is alleged to have been fabricated, falsified, or plagiarized. This time limit may also be waived by the Director for good reason, such as if the alleged Misconduct may have a substantial adverse impact on the health or safety of the public.
- 4.10 Naming of Designees: The Vice President for Academic Affairs, the Appropriate Dean (or Vice President of a non-academic area) and the Director of the Office of Research and Sponsored Programs may appoint a designee to perform his or her responsibilities.

V. Procedures

- 5.1 Reports of Misconduct should be referred immediately to the Director of the ORSP.
 - 5.1.1. Written and signed statements are preferred. If a verbal report is filed, the report will be documented by the Director of the ORSP and verified by the complainant. Anonymous reports may be made through EthicsPoint, which is available through a secure link from Loyola's Human Resources webpages.
 - 5.1.2 At any stage of these procedures, an allegation of Misconduct may be withdrawn by the complainant(s), or the respondent may acknowledge the Misconduct, or a settlement with the respondent may be reached. In such a case, the Director of the ORSP will determine if the matter may be closed following consultation with any sponsor(s). If the matter is to be closed, both the complainant and respondent will be informed in writing within 14 days of that determination. If Misconduct has occurred, the Vice President for Academic

Affairs (VPAA) will determine the appropriate sanction as provided in section 6 of this policy.

5.2. Initial Review of an Allegation

- 5.2.1 Upon receiving an allegation of Misconduct, the Director of the ORSP will notify the Appropriate Dean and the VPAA that a report has been made. The ORSP will gather preliminary information in order to determine if the allegation meets the definition of Misconduct, falls within the appropriate time limitations, and is sufficiently credible and specific so that potential evidence of Misconduct may be identified.
- 5.2.2 In the case of a vague allegation, the Director of the ORSP shall make an effort to obtain more information before a decision is made as to whether to initiate a Preliminary Inquiry.
- 5.2.3 In consultation with appropriate parties, the ORSP shall determine whether the allegation represents potential criminal activity; poses a threat of harm, or has harmed the welfare of human or animal subjects or the public; or may seriously harm the reputation of the University. If such a determination is made, legal counsel or other administrative office(s) may be consulted regarding immediate actions including, but not limited to, (a) suspension of any relevant activities of the respondent until the investigation(s) are concluded; (b) protection of any potentially relevant evidence under threat of destruction; (c) increased monitoring/supervision of scholarly activities; and (d) notification of appropriate governmental agencies.
- 5.2.4 This stage of preliminary review will be completed, and a determination made to either close the issue or begin a Preliminary Inquiry, within 30 days of the initial receipt of the complaint by the ORSP. This determination shall be in writing and submitted to the Appropriate Dean and to the VPAA.

5.3 Procedures Regarding Preliminary Inquiries

- 5.3.1 Prior to or upon the initiation of a Preliminary Inquiry, the Director of the ORSP will provide to the respondent, the Appropriate Dean, and the VPAA a statement of the allegations against the respondent.
- 5.3.2 Before or at the time the Director of the ORSP notifies the respondent that a Preliminary Inquiry will take place, the Director must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the Misconduct proceeding, inventory the records and evidence, and secure them. The Director will undertake all reasonable and practical efforts to take custody of additional research records or evidence discovered during the course of a Misconduct proceeding. The Director shall obtain the assistance of the respondent's supervisor and others in this process as needed.
- 5.3.3. A Preliminary Inquiry committee, instructed carefully in the confidentiality of these proceedings, will be named. The Preliminary Inquiry committee will be composed of

three appropriately selected members, including two tenured faculty members, one of whom will belong to a school other than that of the respondent. The Faculty Affairs Committee will appoint all faculty members of the Preliminary Inquiry committee. The Dean will select any other members appointed to the committee. Every care will be taken in the establishment of this committee to protect against real or apparent conflicts of interest and to guarantee fair process to the individuals involved.

- 5.3.4. The Preliminary Inquiry committee shall make a recommendation to the Dean as to whether or not the allegation warrants a Formal Investigation. A Formal Investigation is warranted if there is a reasonable basis for concluding that the allegation falls within the definition of Misconduct and preliminary information-gathering and preliminary fact-finding from the inquiry indicates that the allegation may have substance.
- 5.3.5. The Preliminary Inquiry shall be said to begin when the Preliminary Inquiry committee receives instructions at its first meeting. The Preliminary Inquiry committee will complete the inquiry within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. This 60-day period includes preparing the Preliminary Inquiry draft report and giving the respondent at least seven days to comment on it in writing.
- 5.3.6. The final Preliminary Inquiry report shall be submitted to the Appropriate Dean.
 - 5.3.6.1. The Appropriate Dean may initiate a Formal Investigation or terminate the inquiry.
 - 5.3.6.2. The Appropriate Dean will notify the respondent, the Director, and the VPAA of his or her decision, in writing, within seven calendar days.
- 5.3.7. Should the Preliminary Inquiry committee require additional time in order to perform its task, it must submit a well-justified request for an extension, in writing, to the Appropriate Dean no less than 14 days prior to the conclusion of the 60-day period allotted for the Preliminary Inquiry.

5.4. Procedures Regarding Formal Investigation

- 5.4.1. Following receipt of the Preliminary Inquiry report, if the Appropriate Dean determines that a Formal Investigation is warranted, responsibility for continuing the investigation will transfer to the VPAA. At this point, the VPAA shall notify the President that a Formal Investigation into alleged Misconduct has been initiated.
- 5.4.2. Within 30 days of the completion of the Preliminary Inquiry, the VPAA will convene a Formal Investigation committee comprised of the Preliminary Inquiry committee members plus two additional members. The Faculty Affairs Committee will select any additional faculty members appointed to the committee and the VPAA will select any other members. At least two members of the Formal Investigation committee shall not be members of the School within which the Misconduct is alleged to have taken place. Every reasonable care will be taken in the establishment of this committee to protect

against real or apparent conflicts of interest, and to guarantee the fulfillment of each member's duties to the full extent of this Policy.

5.4.3. The Formal Investigation committee will perform an in-depth inquiry and confidential review of all evidence gathered from the Preliminary Inquiry. The committee shall gather additional information and testimony as needed. The methods used will be determined by the committee and shall comply with any and all federal, state, and sponsor requirements.

5.4.4. The Formal Investigation committee will submit to the VPAA, no later than 120 days after its first meeting, a final written report indicating its findings based on its investigation. This report will indicate the facts of the investigation, make a determination based on the findings of the majority as to whether Misconduct occurred, as well as recommend appropriate sanctions or other actions, if warranted.

5.4.4.1 The respondent will be provided with a copy of the draft written report before it is finalized. The respondent will be provided at least 14 days to make a written statement in response to the committee's findings. Any final modifications to the report must be made within 14 days after the receipt of the respondent's comments.

5.5 The procedures described in this Policy must be followed without omission or curtailment, except that deadlines may be extended for good cause as long as sponsor guidelines or applicable regulations are followed.

5.6. Final Actions After a Formal Investigation Has Taken Place

5.6.1. Finding: No Misconduct occurred.

Should the Formal Investigation committee's final report indicate that no Misconduct occurred, the VPAA will discontinue all proceedings and notify the respondent and the Appropriate Dean in writing within seven days of the findings. Every reasonable precaution will be taken to ensure the continuing confidentiality of the proceedings, restore the reputation of persons alleged to have engaged in Misconduct, and protect the positions and reputations of persons who have, in good faith, made allegations.

5.6.2. Finding: Misconduct occurred.

Should the Formal Investigation committee's final report indicate that Misconduct occurred, the VPAA will notify the respondent and the Appropriate Dean in writing within seven days. In addition, the President will be notified verbally of the conclusions and receive a copy of the committee's final report. If external funding is involved, the VPAA will also provide the Director with a copy of the final report.

5.6.2.1. The Vice President for Academic Affairs will determine appropriate sanctions commensurate with the nature and severity of the misconduct found to be involved and the respondent's history of prior violations, if any.

5.6.2.1.1. Potential sanctions include, but are not limited to:

- a. Removal of individual(s) from the project(s) in question.
- b. Withdrawal of pending manuscripts emanating from fraudulent research.
- c. Notification to editors of journals in which suspect reports have appeared.
- d. Termination of work on all sponsored projects.
- e. Fines and/or restitution.
- f. Formal letter of reprimand.
- g. Reduction in salary or faculty rank.
- h. Suspension or dismissal in accordance with University policies and procedures.

In the case of reductions in salary or rank, suspension, or termination of faculty, the procedures set forth for such actions in the Rank and Tenure Policy Statement and the Faculty Handbook will be followed.

5.6.3. A finding of Misconduct may be appealed by the respondent to the President within 15 days of receipt of the Committee's final report. The President shall render a decision on the appeal within 15 days.

5.7 Record Retention

5.7.1. All records pertinent to the allegation of Misconduct and any Preliminary Inquiry will be securely maintained by the Director of the ORSP. Should the Preliminary Inquiry result in the initiation of a Formal Investigation, all pertinent records will be delivered to the VPAA, who will maintain them throughout the period of the Formal Investigation. Upon the conclusion of the proceedings, the case file will be returned to the ORSP where it will be retained for the period required by law.

5.7.2. At the conclusion of the required retention period, the ORSP will determine the disposition of the file.

5.8. Cessation of Employment of Complainant or Respondent

5.8.1. If the complainant ceases employment with Loyola University Maryland for any reason, the VPAA, the Appropriate Dean, and the Director of the ORSP shall make a joint determination as to whether to continue to investigate the allegation.

5.8.2. If the respondent ceases employment with Loyola University Maryland for any reason, the investigation will continue to a conclusion in accordance with the above outlined procedures.