

WPI Policy on Research Conduct

(Approved by the Faculty, December 12, 2017)

Introduction

The integrity of the University and its academic endeavors require that teachers, researchers, advisors and other members of its community be dedicated to maintaining the highest ethical standards in their professional activities. Unethical behavior in research and scholarship strikes at the heart of the scholarly and educational enterprise. A shared understanding of expectations and responsibilities is, therefore, critical — not only to the quality of the research enterprise but also to the collegial life of this community.

Supervisors must enforce the highest standards for conducting research and creating and maintaining records of the research. The risk of misconduct increases in an environment where there is a lack or deficiency of supervision. Specifically, faculty supervisors, principal investigators, laboratory and center directors and Department Heads, should clearly articulate standards and protocols for research, scholarship, and creative work, through discussion and review of research, and, when possible, with written guidelines and training that adhere to best practices.

In recognition of the need to maintain the highest standards in research conduct, WPI has developed the following policy to respond to allegations of research misconduct¹ and to inform members of the community of the appropriate channels for bringing such matters to the attention of the University.² This policy applies to Research Activities conducted at WPI or by WPI faculty, staff, fellows, students.

The appropriate institutional response to research misconduct will vary with the facts and circumstances of each case. In addition to requiring correction of the research record, WPI has recourse to a variety of disciplinary actions against individuals whose conduct violates this policy, including, in severe cases and following applicable procedures, expulsion of a student, termination of an employee, or revocation of tenure.

The procedures described in this policy are consistent with requirements that apply to the review and reporting of allegations of research misconduct arising in the context of certain federally sponsored research. This Policy should be reviewed and updated periodically in order to ensure compliance with applicable legal requirements.

Students

If a student is involved in the review of an allegation of Research Misconduct (whether as a Complainant, as a Respondent, or as a person from whom information about allegations is obtained), fact finders and investigators must seek guidance from the Office of the Vice Provost for Research regarding the legal and policy requirements that may apply.

¹ This policy is based upon the federal regulations governing research misconduct in connection with United States Public Health Service (“PHS”)-supported activities and will be interpreted and applied so as to be in compliance with those regulations. WPI has also determined that this policy will be applied as the minimum standard to all allegations of research misconduct, regardless of the funding source(s) or whether the scholarly activity is funded. Institutional response to research misconduct allegations in areas not PHS-supported will follow the same general principles except for the actual involvement of PHS. In the event another research sponsor has additional requirements beyond those covered by this policy, all research funded by that source will be subject to those additional requirements.

² This policy replaces the prior policy entitled “Policy and Procedure for Removal of Tenured Faculty Member for Cause” adopted in 1969 as it relates to matters concerning research misconduct. This policy also replaces the Research Misconduct Policy passed by the Board of Trustees on December 13, 2013 and the Research Misconduct Policy passed by the Faculty on January 23, 2014.

Except as they may be subject to the requirements of grants, sponsored research or research funded by a governmental authority, allegations of Research Misconduct committed by students will be addressed in accordance with provisions of the Student Code of Conduct dealing with Student Academic Dishonesty.

Definitions

Research Activities are proposing, conducting, processing, reviewing, or reporting the results of research or other scholarly inquiry.

Research Misconduct is Fabrication, Falsification, or Plagiarism in Research Activities or Deliberate Interference. It does not include honest error or differences of opinion.

- **Fabrication** is making up data or results and recording or reporting them.
- **Falsification** is 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.
 - **Research Record** is the record of data or results that embody the facts resulting from scientific or other scholarly inquiry and includes, but is not limited to, research proposals, laboratory records (both physical and electronic), progress reports, abstracts, theses, oral presentations, internal reports, and journal articles.
- **Plagiarism** is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- **Deliberate Interference** is intentionally causing material harm to the research or scholarly work of others, and may include damaging or destroying the property of others, such as research equipment or supplies; disrupting active experiments; or altering or deleting products of research, including data and program codes.

Complainant is an individual who reports allegations of **Research Misconduct**.

Respondent is an individual who is the subject of allegations of **Research Misconduct** at WPI.

WPI Advisor is a WPI community member of the Respondent's choice, not the Respondent's family member or subordinate, who may participate and provide support to a Respondent in any meeting in connection with a review under this Policy. The role of the WPI Advisor is to provide support and guidance, not to be a substitute for the Respondent, who is the primary participant.

Preponderance of the Evidence is proof by information that, compared with the information opposing it, leads to a conclusion that the fact at issue is more probably true than not.

Impartial and Unbiased Persons are those who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation.

Duty to Report

Each member of the WPI community has a responsibility to report any conduct that they believe in good faith to be Research Misconduct at WPI. There may be circumstances in which, prior to taking that action, it would be appropriate for the Complainant to discuss any concerns with the prospective Respondent. Consultation and guidance is always available from the Vice Provost for Research or from senior academic officers (e.g. Deans, Department Heads, laboratory Directors), who themselves are bound by a Duty to Report.

All allegations of Research Misconduct, wherever initially received, must be conveyed promptly to the Vice Provost for Research. A supervisor who becomes aware of possible Research Misconduct, either from the supervisor's own observations or because of reports, has a responsibility to bring allegations of Research Misconduct directly to the Vice Provost for Research in order to ensure that proper procedures are followed.

If a supervisor feels that the Vice Provost for Research is not the appropriate official to whom to report allegations in a particular case, the allegations may be reported to the Provost. If a Complainant reports allegations to a supervisor and the supervisor fails to forward the allegations to the Office of the Vice Provost for Research or the Provost, then the Complainant should report the allegations to the Vice Provost for Research or the Provost directly.

Standard of Proof for a Finding of Research Misconduct

In order to enter a finding of Research Misconduct, WPI must determine by a preponderance of the evidence that:

- the Respondent engaged in Research Misconduct; and
- the Research Misconduct marked a significant departure from accepted practices of the relevant academic community; and
- the Respondent committed the Research Misconduct intentionally, knowingly, or recklessly.

Assessment and Review Process

Initial Assessment:

Upon receipt of an allegation of Research Misconduct, within 5 *business* days the Vice Provost for Research will conduct an initial assessment of the allegations, to determine whether the alleged misconduct falls within the scope of this Policy. The Vice Provost for Research may appoint an impartial fact finder with appropriate expertise to conduct this initial assessment and to make a recommendation to the Vice Provost for Research.

If the Vice Provost for Research determines that the allegations do not fall within this Policy, the Vice Provost for Research will either close the matter or refer it to another office at WPI with authority or responsibility over the matter.

If the Vice Provost for Research determines that the allegations do fall within this Policy, the Vice Provost for Research will initiate a two-stage review process under this Policy. The decision of the Vice Provost for Research to initiate or not to initiate a review is final.

Subsequent Two-Stage Review Process:

- The *first stage of review* (the "Inquiry") under this Policy consists of preliminary fact-finding stage to decide whether to recommend to the Provost a further, formal review. The Inquiry should begin within 30 days after the Vice Provost for Research's initial assessment of the allegations. Once initiated, the Inquiry normally must be completed within 60 calendar days.
- If after the Inquiry, there is a decision by the Provost to initiate a further review, WPI will proceed to a second stage of review (the "Investigation"), which entails a formal review leading to a recommendation to the Provost whether or not WPI should make a finding of Research Misconduct—and, if so, what the appropriate sanction should be. If a formal investigation is warranted, it shall begin within 21 days of the conclusion of the Inquiry, and it is normally to be completed within 120 days once it has begun.

Interim Institutional Actions:

At any point in the process, the Vice Provost for Research may institute appropriate interim institutional actions to protect the community, public health, federal or other governmental funds and equipment, and the integrity of the Public Health Services (PHS) supported research process. For such actions, the Vice Provost for Research should state the basis for such decision in a document maintained with records relating to the case and provided to the Respondent.

First Stage of Review: Inquiry

The Inquiry consists of information gathering and fact-finding to determine as a preliminary matter whether an allegation of Research Misconduct warrants further, formal review. The Inquiry should begin within 30 days, if called for, after the Vice Provost for Research's initial assessment of the allegations.

The Vice Provost for Research will appoint three impartial fact finders to conduct the Inquiry. If necessary, fact finders may be found from outside the WPI community. At this time, the Vice Provost for Research will provide written notice to the Respondent that an Inquiry has been initiated. The written notice ordinarily summarizes the allegations under review and advises the Respondent of the right to select a WPI Advisor to support the Respondent in the course of the proceedings. The Respondent will be given an opportunity to respond, in writing, to the Vice Provost for Research within 10 days following the Respondent's receipt of the allegation. The Respondent may, in lieu of a WPI Advisor, have legal counsel for assistance or support during the Inquiry stage of the process.

Either before or when the Respondent is notified, the Office of the Vice Provost for Research will promptly take all reasonable and practical steps to obtain custody of all the records and other evidence needed to conduct proceedings under this Policy and will sequester them in a secure manner. The Office of the Vice Provost for Research will provide Respondent with reasonable, supervised access to the records or, when appropriate, copies of the records. The Office of the Vice Provost for Research may seek additional records or other materials that may be potentially relevant during the course of the review.

Oversight for the Inquiry process will be provided by the Office of the Vice Provost for Research. The Inquiry should, to the extent reasonably possible, be limited to a review of documentary materials, including the Respondent's written response to the allegations. The fact that an Inquiry has been initiated should be made known only to the Respondent and other persons with a need to know.

At the conclusion of the Inquiry, the Inquiry Committee will prepare a draft written report summarizing the process and information reviewed and recommending whether to proceed with an Investigation. The draft Inquiry report should identify the name and position of the Respondent, a description of the allegations, the PHS support (if any), including the specific grant or contract, and should explain why the allegations do or do not warrant an investigation.

A recommendation to proceed should be based on whether there are reasonable grounds to conclude that the allegations may have substance and that Research Misconduct may have occurred based on the information reviewed. In either case, the Respondent will be given a copy of the draft Inquiry report and an opportunity to respond within a reasonable time period set by the Vice Provost for Research. Such response will be reviewed by the Inquiry Committee before finalizing the Inquiry report. In addition, any comments provided by the Respondent will be included as an appendix to the final Inquiry report. The final Inquiry report should state the number (but not the names) of the members of the Inquiry Committee who voted that an allegation warrants further review. The final Inquiry report will be forwarded to the Vice Provost for Research.

The Vice Provost for Research will review the Inquiry report and may ask the fact-finding committee for additional review or explanation. If this additional review by the fact-finding committee results in revisions to the report, the Respondent will have a further opportunity to submit written comments before any supplemental final Inquiry report is resubmitted to the Vice Provost for Research.

The Vice Provost for Research will submit a final Inquiry report to the Provost along with a written recommendation whether or not to proceed with an Investigation. The Provost will then decide whether or not to proceed with an Investigation. Before the Provost decides to proceed with an investigation, the Provost shall consult with the fact-finding committee and with the Secretary of the Faculty. If a majority of the Inquiry Committee voted not to proceed with an Investigation, but the Provost decides that there should be an Investigation, then the Provost should state the basis for such decision in a document maintained with records relating to the Investigation.

Following these consultations, the Vice Provost for Research will send written notice to the Respondent of the Provost's decision whether or not to proceed with an Investigation. The Complainant, if known, will be informed whether an Investigation will or will not be initiated.

The Inquiry, including preparation of the final Inquiry Report and the decision of the Provost on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the Inquiry, unless the Vice Provost for Research determines that circumstances clearly warrant a longer period. If the Vice Provost for Research approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60 day period.

Within 30 days of a finding by the Provost that an investigation is warranted, the Provost shall provide ORI (and any other funding agency or authority required to be notified) with a copy of the Inquiry report, regardless of the vote of the Inquiry Committee.

Second Stage of Review: Investigation

If a formal investigation is warranted, it shall begin within 21 days of the conclusion of the Inquiry. The Vice Provost for Research initiates the Investigation by requesting the Secretary of the Faculty (SOF) and the Chair of the Faculty Review Committee (FRC) to appoint a five member investigation committee ("the Committee") to be selected from elected FRC members who have the expertise to evaluate the particular issues and evidence involved in the alleged misconduct. The faculty members must be unbiased toward the Complainant, Respondent and witnesses. (If there are not five unbiased elected FRC members with the required expertise, then the SOF and FRC chair will appoint the required number of qualified faculty from outside the FRC. If the Respondent or Complainant is either the SOF or FRC Chair, then the other will appoint the Committee.) The Committee shall elect its own Chair who shall be responsible for determining the manner in which the witness interviews and other procedures will be conducted by the Committee.

The Vice Provost for Research will provide written notice to the Respondent that the Investigation has been initiated. The written notice will:

- summarize the allegations;
- advise the Respondent of the Respondent's right to the support of a WPI Advisor or legal counsel in the Investigation; and
- identify the members of the investigation Committee.

The Respondent may challenge the composition of the Committee, if s/he believes that one or more of its members is biased. The remaining members of the Committee shall determine whether bias exists and otherwise act to ensure its own credibility. The Committee shall request that the Chair of the FRC and the Secretary of the Faculty replace a committee member when appropriate.

The Investigation consists of a formal examination and evaluation of all relevant information to determine if Research Misconduct occurred. The Investigation will typically include an examination of all relevant documentation and interviews of individuals who may have relevant information about the research in question. The Investigation Committee may review the Inquiry findings but is not bound by the findings of the Inquiry.

Oversight of the Investigation and specific guidance as it proceeds will be provided by the Office of the Vice Provost for Research.

As the Investigation proceeds, the Office of the Vice Provost for Research should provide the Respondent with reasonable updates and opportunities to respond to information obtained in the investigation.

Throughout the Committee Investigation process, the Respondent is entitled to the presumption of innocence, and:

- shall have the opportunity to respond to allegations of Research Misconduct;
- shall have the opportunity to present a defense;
- shall have the opportunity to offer witnesses to be interviewed by the Committee; and
- may, in lieu of a WPI Advisor, have legal counsel for assistance or support.

Once the Investigation is completed, the Committee will prepare a draft written report offering a judgment based on the evidence as to whether the Respondent has committed Research Misconduct, and if so, its level of severity. If the Committee determines Respondent has committed Research Misconduct, it shall also recommend disciplinary action. The report should summarize the facts and analysis that support those conclusions, addressing the merits of any reasonable explanation or defense provided by the Respondent, and including the *numerical* vote of the Committee without identifying individual votes.

The Respondent will be provided with a copy of the draft Investigation report with an opportunity to respond within a reasonable time period set by the Vice Provost for Research. Such response will be considered by the Committee before the Committee takes a final vote, makes its final recommendation for disciplinary action, and issues its final Investigation report. In addition, any comments provided by the Respondent will be included as an appendix to the final Investigation report. The final Investigation report will be forwarded to the Vice Provost for Research.

The Vice Provost for Research will review the Investigation report and may ask the Investigation Committee for additional review or explanation. If this results in revisions to the report, the Respondent will have a further opportunity to submit written comments before any supplemental final Investigation report is resubmitted to the Vice Provost for Research.

The Vice Provost for Research will submit the final Investigation report to the Provost and the Respondent along with a written recommendation whether or not WPI should make a finding of Research Misconduct. If the Vice Provost for Research recommends a finding of Research Misconduct, he or she will also recommend disciplinary actions to be taken. Before the Provost makes a finding of Research Misconduct, the Provost shall consult with the Committee and with the Secretary of the Faculty.

If the Provost finds that Research Misconduct has been committed, the Provost shall decide on appropriate disciplinary actions, which may include, but are not limited to, formal reprimand, suspension, expulsion, revocation of degree, change in WPI status, revocation of tenure and termination of employment. If a majority of the Investigation Committee voted that the Respondent

did not commit Research Misconduct but the Provost decides that the Respondent did, or if the Provost decides on a disciplinary action that is different than the action recommended by the Investigation Committee, then the Provost should state the basis for such decisions in a document maintained with records relating to the investigation.

The Vice Provost for Research will provide written notice of the Provost's decision to the Respondent. The Complainant, if known, will be informed whether there was a finding of Research Misconduct. However, WPI officials will not notify the Complainant of any disciplinary action taken. The Vice Provost for Research will send the final report to ORI (and any other funding agency or authority required to be notified), regardless of the vote or the disciplinary action recommended by the Investigation Committee.

The Investigation is to be completed within 120 days of beginning it, including conducting the Investigation, preparing the report of findings, providing the draft report for comment and sending the final report to ORI. However, if the Vice Provost for Research determines that the Investigation will not be completed within this 120-day period, the Vice Provost for Research will submit to ORI a written request for an extension, setting forth the reasons for the delay.

Appeals

The Respondent may appeal any finding of Research Misconduct, and any sanction other than termination of employment or revocation of tenure to the President within two weeks after the Provost notifies the Respondent of the imposition of the sanction. The grounds of any appeal of a finding of Research Misconduct shall be limited to two instances:

- a) when there are alleged procedural violations that are substantial and material and which would have changed the outcome of the case; and
- b) when the Investigation Committee voted that the Respondent did not commit Research Misconduct but the Provost finds that Research Misconduct has occurred.

Before the President decides the appeal, the President shall consult with the Provost and the Secretary of the Faculty. The President should issue a decision within thirty days of receiving the appeal. The President's decision shall be final.

If the Provost imposes a sanction of termination of employment or revocation of tenure, the Respondent may appeal the sanction to the Board of Trustees within two weeks after the Provost notifies the Respondent of the imposition of the sanction (or within two weeks after the President decides an appeal of a finding of Research Misconduct based on grounds a) or b) described above. If the Respondent appeals to the Board, the Chair of the Board, in collaboration with the Secretary of the Faculty, shall appoint a committee of five faculty members who will make a recommendation regarding the sanction imposed by the Provost. The faculty committee will have access to all written reports and materials relevant to the case. The faculty committee will summarize the basis for its recommendation in a written report to the Board Chair within thirty days. The Board Chair should issue a written decision within thirty days of receiving the faculty committee's report. The Board Chair's decision shall be final.

Other than interim institutional actions which may already be in effect, any finding of Research Misconduct, and the imposition of any sanction imposed by the Provost, will be stayed while an appeal is pending before the President or the Board of Trustees.

Special Measures

The Provost has the authority to mitigate the effects of the misconduct, including withdrawing WPI's name and sponsorship from pending abstracts and papers, notifying individuals known to have relied

upon research that was affected by the misconduct, and taking formal steps to correct or retract publications and the Research Record.

If there is no finding of Research Misconduct, all reasonable and practical efforts if requested and as appropriate, should be made to protect and restore the reputation of the Respondent. All reasonable and practical efforts should be made to protect or restore the position and reputation of any complainant, witness or committee member and to counter potential or actual retaliation against these individuals.

Provisions Common to Misconduct Review Process

No Conflicts of Interest

To the maximum extent practicable, steps should be taken to ensure an impartial and unbiased process, including participation of persons (including fact-finders and investigators) who: (1) have sufficient expertise to carry out a thorough evaluation of the relevant information; and (2) have no real or perceived unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation that could affect their ability to be objective reviewers.

In cases where the Provost has a conflict of interest, the President shall serve in the Provost's role. In cases where the Vice Provost for Research has a conflict of interest, the Provost will serve in that role. In cases where allegations of Research Misconduct have been brought against the Vice Provost for Research, the Provost or the President, then the process outlined in this policy will be adjusted accordingly to avoid any conflicts of interest. The President shall resolve any questions of bias or conflict of interest. The President's decision on such questions shall be final.

Confidentiality

Proceedings concerning Research Misconduct often raise difficult issues for those making the allegations, for those who are the subject of the allegations, and for those responsible for reviewing the allegations. Review of the allegations should therefore be conducted promptly and with care and sensitivity.

All participants in the review process under this Policy are expected to maintain confidentiality to protect the privacy of all involved, to the extent possible and as permitted by law. Participants should keep in mind the effect that allegations can have on reputations, even if the allegations are not sustained by the proceedings. Thus, only those people with a need to know should be informed of a complaint.

No Retaliation

No one shall be retaliated against for participating in a review of a misconduct allegation in good faith as a Complainant, a witness, a factfinder, or investigator or in any other capacity. Reasonable efforts should be made to counter potential or actual retaliation against these complainants, witnesses and committee members. Retaliation is typically a significant adverse action taken against an individual because the individual participated in a review process. Retaliation is a serious offense. A complaint of retaliation may be investigated and may lead to disciplinary action, up to and including terminating the individual's relationship with WPI.

False Accusations or Testimony

A false or unfounded report of misconduct determined by the Institute to have been made in bad faith and dishonesty in the context of an Inquiry or Investigation are serious offenses. Such offenses may themselves be investigated and may lead to disciplinary action, up to and including termination of employment or other affiliation with WPI.

Duty to Cooperate and Preserve and Produce Information

All members of the WPI community must cooperate with efforts to review allegations of Research Misconduct.

While the destruction or absence of, or failure to provide upon request, information relating to allegations of Research Misconduct is not misconduct per se, such failure may be considered to be evidence supporting a finding of Research Misconduct when the evidence shows the Respondent had relevant information and intentionally, knowingly, or recklessly destroyed it; had the opportunity to maintain the information but did not do so; or maintained the information and failed to produce it in a timely manner in connection with a Research Misconduct proceeding, with the result that the Respondent significantly departed from accepted practices of the relevant academic community.

Record Keeping

The Office of the Vice Provost for Research is the custodian of records relating to proceedings under this Policy.

Notice to Sponsors

To the extent a sponsor requires notification from WPI that research it funded has become the subject of proceedings under this Policy, the Vice Provost for Research will supply that notification. In addition, the Vice Provost for Research will give applicable sponsors written notice of any decision of the Provost entering a finding of Research Misconduct at WPI.