WORCESTER POLYTECHNIC INSTITUTE
POLICY ON RESEARCH CONDUCT

1. Introduction and Applicability

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. In recognition of this need, WPI has developed the following policy to respond to allegations of research misconduct and to inform members of the community of the appropriate channels for bringing such matters to the attention of the University. This policy applies to tenured, tenure-track, and continuing non-tenure track members of the WPI faculty.

2. Definitions

a. Complainant. The individual, department or entity bringing forth an allegation of research misconduct.

b. Respondent. The individual against whom an allegation of research misconduct is made.

c. Research misconduct is defined as knowing, intentional or reckless fabrication, falsification, or plagiarism in the conduct of scholarly activity. Research misconduct also includes the failure to follow standards of professional conduct with regard to human or animal subjects. Research misconduct does not include honest error or differences of opinion.

   i. Fabrication is inventing data or results and recording or reporting them.

   ii. Falsification is manipulating research results, equipment, or processes, or changing or omitting data or results such that information is not accurately represented in the research record. The research record is the record of data or results of scholarly activity and includes, but is not limited to, research proposals, laboratory records (both physical and electronic), progress reports, abstracts, laboratory notes, raw data, computer files, audio and video recordings, and other documentary evidence.

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1 This policy is based upon the federal regulations governing research misconduct in connection with 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.

3 Definitions relating to research misconduct are based on the Federal Policy on Research Misconduct, 42 C.F.R. Part 93.
theses, oral presentations, internal reports, and materials submitted for publication or published in any form.

iii. **Plagiarism** is the appropriation of another person's ideas, processes, results, data or words without giving appropriate credit.

iv. **Scholarly activity** includes, but is not limited to, writing research proposals, undertaking research activities, and reporting or presenting research results. Scholarly activity includes all basic, applied, and demonstration research in all fields of study. Scholarly activity also includes reviewing the research of others for publishers, funding agencies or any other purpose.

3. **Initial Inquiry**

a. In all situations, complaints or allegations of research misconduct should be made in writing to the Vice Provost for Research (“VPR”).

b. Complaints or allegations of research misconduct are not subject to investigation if the alleged misconduct occurred more than six years prior to the date the allegation or complaint was received by the VPR. However, an exception to this limitation is made (a) if the Respondent republishes, cites or otherwise uses falsified, fabricated or plagiarized data or information within the six year limitation period, in which case the limitation period begins at the time of republication or other use; or (b) if the health or safety of the public is in jeopardy, in which case there is no time limit.

c. Within five business days of receiving an allegation of research misconduct, the VPR will determine whether the behavior alleged meets the definition of research misconduct above and is sufficiently credible and specific so that potential evidence of such misconduct may be identified. If the behavior alleged does not meet the foregoing definition or standard, the VPR will notify Respondent and Complainant in writing that the matter is dismissed. If the behavior alleged meets the definition of misconduct and the allegation is sufficiently credible and specific the VPR shall forward a copy of the complaint or allegation to the person named therein (“Respondent”) along with a copy of this policy. The VPR shall, at the same time, forward a copy of the allegation to the Respondent’s department head or other immediate supervisor and immediately arrange to take all appropriate actions to obtain and secure all research records and evidence needed to conduct the research misconduct proceeding. Respondent shall have an opportunity to respond in writing to the VPR to any allegations raised. Responses must be received by the VPR within ten business days following the Respondent’s receipt of the allegation. Upon reasonable request, the VPR may choose to grant additional time.

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4 If the Complainant is the VPR or the Provost, the Secretary of the Faculty shall perform the role of the VPR in the initial inquiry.

5 If the Respondent is the VPR or Provost then the President shall perform the role of the VPR in the initial inquiry.
d. After Respondent has been notified and has had an opportunity to respond, the VPR, in consultation with the department head or program director and, if the VPR deems appropriate, the Director of Research Administration, the Director of the Office of Sponsored Research, and/or such other persons as the VPR decides would be helpful to the inquiry process (the “Inquiry Committee”), shall determine whether a formal investigation is warranted. In making such determination, the VPR and/or other members of the Inquiry Committee will undertake an initial review of the evidence and may interview Respondent, Complainant and other relevant witnesses, all on an individual basis. The VPR or his/her designee from the Inquiry Committee shall prepare a written preliminary inquiry report. Respondent shall be provided a copy of the preliminary inquiry report and provided an opportunity to respond or comment within ten business days.

e. After evaluating all of the information, the VPR shall determine from this initial inquiry whether a formal investigation is warranted. A formal inquiry is warranted when the information developed during the initial inquiry supports a reasonable belief that there is substance to the complaint or allegations of research misconduct. No person shall be terminated, suspended without pay, demoted, or subject to a salary reduction as a disciplinary measure for research misconduct without being afforded the opportunity to participate in a formal investigation as described subsequently.

f. If the VPR determines that there is not substance to the allegations, the VPR will notify Respondent in writing that the matter has been dismissed.

g. If it is determined from the final inquiry report that there is substance to the allegations of misconduct but there is no likelihood that termination, suspension without pay, demotion, salary reduction or any other sanction would result, alternate sanctions may be imposed administratively after first providing the Respondent with the final inquiry report of findings and an opportunity to respond to the Provost. The Provost will determine the appropriate sanction only after reviewing and considering the response received from Respondent.

h. If the VPR determines that there is substance to the allegations of misconduct and the Provost determines that sanctions identified in paragraph g above might be appropriate, then a formal investigation is warranted.

i. During the inquiry period, the identities of all parties involved will be held in confidence to the maximum extent that an effective inquiry allows.

j. The entire inquiry process must be completed within sixty calendar days of the VPR’s decision to commence the inquiry process, unless the VPR determines for good cause shown and documented on the record, that circumstances warrant a longer period.
k. The VPR shall, at any appropriate time and when required by law, notify federal authorities of allegations of research misconduct in federally supported research.\(^6\)

l. At any time, the VPR may meet with the parties involved and seek to informally resolve the issues raised by the complaint or allegation. If the parties cannot agree on a settlement of the issues, the proceedings outlined in this policy shall continue.\(^7\)

m. No action shall be taken against the Respondent as a result of research misconduct allegations prior to the conclusion of the appropriate investigation, unless it is determined that the presence of that person on campus or in class poses an immediate threat of physical or psychological harm to others. A suspension on this basis shall not result in a reduction of salary while an investigation is pending.

4. **Procedures for Formal Investigations**

   a. If a formal investigation is warranted, it shall begin within twenty-one (21) days of the conclusion of the initial inquiry. Before the investigation begins, the Provost shall notify the Respondent and VPR in writing that a formal investigation is in order. When the complaint or allegation involves externally funded research, the VPR will inform the sponsor of the formal investigation.\(^8\)

   b. All parties involved in a formal investigation and any subsequent proceedings shall, to the extent possible, endeavor to maintain confidentiality regarding the allegations, evidence and proceedings, and use care in balancing the need for disclosure and the privacy interests of persons involved.

   c. The Provost will request the Secretary of the Faculty (SOF) and Chair of the Faculty Review Committee (FRC) to appoint a fact-finding committee (“the Committee”) of five elected FRC members who are unbiased\(^9\) in the investigation and have the required expertise to evaluate the particular issues and evidence involved in the alleged misconduct. (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

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\(^6\) Regulations require institutions receiving grants under the Public Health Service to notify the Office of Research Integrity (“ORI”), a component of the Office of the Director of the National Institutes for Health (“NIH”), when an institution determines that a formal investigation is warranted (42 C.F.R. § 93.309) and certain specific conditions exist (see 42 C.F.R. § 93.318). If it is determined that an investigation is not warranted, the institution must maintain, for a period of at least seven (7) years, sufficiently detailed documentation of the inquiry to permit a later assessment of reasons supporting that determination (42 C.F.R. § 93.309(c).

\(^7\) If PHS-supported research is at issue, the Provost must notify the ORI, if WPI intends to close a case at the inquiry, investigation or appeal stage on the basis that Respondent has admitted guilt or a settlement with Respondent has been reached (42 C.F.R. § 93.316).

\(^8\) If the Complainant or Respondent is the VPR or Provost, the President shall perform the roles of the Provost and VPR in the formal investigation.

\(^9\) “Unbiased” in this context means person(s) “who do not have unresolved personal, professional or financial conflicts of interest with” Respondent (42 C.F.R. § 93.310(b).
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 investigation will be completed within 120 days of the Committee’s formation, subject to external factors such as the availability of the parties, Committee members, witnesses and other evidence, and whether proceedings concerning the same allegations are pending in another forum. The VPR may determine that the investigation cannot be completed within this 120-day period and will so notify the granting agency if necessary.

d. The Committee will be provided with all necessary information about the complaint or allegation and empowered to review relevant documents and interview witnesses. The Committee shall review all relevant research records and documentation and interview Respondent, Complainant and any other available persons who have been identified as having relevant and material information regarding the investigation. The Committee may seek assistance from WPI counsel in conducting its investigation and from ORI, if needed.

e. The Committee will pursue all significant issues and leads developed during the investigation, including evidence of additional instances of possible research misconduct. The Committee will give Respondent written notice of new allegations of research misconduct not addressed during the inquiry or in the initial notice of investigation within a reasonable amount of time of deciding to pursue such allegations.

f. The Committee will maintain records of its fact-finding proceedings, including copies of materials submitted by all parties, documentary evidence considered by the Committee, and a written record or summary of its witness interviews.

g. Respondent may exercise the following rights during the investigation of the Committee:

1. Respondent may have an advisor or legal counsel to assist or support them through the Committee investigation process.

2. Respondent may challenge the composition of the Committee, if s/he believes that one or more of its members is biased (see footnote 6). 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.

3. At the request of Respondent, the Committee shall use its authority to obtain documents and evidence and to interview witnesses who have information relevant to the defense of Respondent.
4. Respondent is entitled to a presumption of innocence and need not prove his or her innocence\(^\text{10}\) to the Committee and to the Provost.

5. Respondent shall have the opportunity to present a defense to the Committee, to present witnesses for interview by the Committee, and to respond to all allegations of research misconduct.

6. Respondent shall receive a copy of the draft report of the Committee and shall have an opportunity to provide a written response to such report. Respondent shall receive a copy of the final report at the time it is provided to the Provost.

h. Once the investigation is completed, the Committee will prepare a written investigation report\(^\text{11}\) (the “Report”) offering a judgment based on the evidence provided as to whether the Respondent has committed research misconduct, and if so its level of severity, and summarizing the facts and analysis that support that conclusion, addressing the merits of any reasonable explanation or defense provided by Respondent, and including the vote of the Committee. Findings of research misconduct shall only be made if a majority of the members of the Committee agree that such findings are supported by a preponderance of evidence\(^\text{12}\). If the Committee determines Respondent is guilty of research misconduct, it shall also recommend disciplinary action. If the disciplinary action includes termination and/or removal of tenure, it must be by agreement of four or more of the Committee members. The Report should normally be prepared within fifteen (15) days of conclusion of the evidentiary phase of the investigation.

5. Final Findings

a. The Committee will provide Respondent with a draft copy of the Report prior to the time it is presented to the Provost.\(^\text{13}\) Within 15 days of receipt of the Report, the Respondent may file an appeal or objection to the Report. Such appeals or objections must be in writing and state the reasons therefor. The Committee will prepare a Final Report that considers and includes the appeal(s) or objection(s) and any changes in the Committee’s vote, finding, and recommendation.

b. The Committee shall transmit the Final Report to the Provost and to the Respondent. The action of the Committee shall either be sustained by the Provost or the case

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\(^\text{10}\) The Respondent does bear the burden of proving any affirmative defenses raised (e.g., honest error or difference of opinion) or mitigating factors. (See 42 C.F.R. § 93.106.)

\(^\text{11}\) If applicable, the investigation report shall comply with the requirements of 42 C.F.R. § 93.313.

\(^\text{12}\) “Preponderance of the evidence” as applied to the Committee’s and Respondent’s (defense’s) burdens of proof means, “proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.” (42 C.F.R. § 93.219.)

\(^\text{13}\) If the Complainant or Respondent is the VPR or Provost, then the President, in consultation with the Secretary of the Faculty, shall fulfill the role of the Provost in sections 5 through 8 of this policy.
returned to the Committee with the Provost’s objections specified in writing. If the case is returned, the Committee shall reconsider, taking account of the stated objections and receiving new evidence as necessary. The Committee shall frame its reconsideration and communicate it in the same manner as before, including any change in the Committee’s vote, finding, and recommendation. Only after study of the new report, and after consultation with the VPR and Department Head, should the Provost make a final decision.

c. If the Provost decides that termination and/or removal of tenure is appropriate, but if four members of the Committee do not support the decision, then both the Provost’s written recommendation and the Committee’s report will be submitted to the Board of Trustees for its decision on the disciplinary action – not the underlying finding of research misconduct. In this case, the Board will provide both the Respondent and the Complainant with 10 days to submit any additional relevant information. The Board will then review all materials received and any other relevant material submissions or information which the Board, in its discretion, may solicit from the Respondent or Complainant, or the Provost. The Board will relay its decision to the Provost who will inform the Respondent. This shall be the final decision on the part of the University.

d. The Provost will allow for submission of the report to ORI or the appropriate sponsor no later than 120 days from the date the investigation began if there is a finding of research misconduct. If this time period cannot be met and PHS-supported research is at issue, the Provost must file a written request and explanation for an extension with the ORI.

e. The Provost shall promptly notify Respondent in writing of the decision on research misconduct and, if applicable, disciplinary action. This decision shall be final, subject to a limited right of appeal to the Board of Trustees as described below.

6. **Review of Disciplinary Actions by the Board of Trustees**

If both the Committee and Provost recommend termination and removal of tenure, the respondent may appeal the disciplinary action, not the underlying finding of research misconduct, to the Board of Trustees (“the Board”). Such appeal must be in writing, must state the reasons for appeal, and must be presented to the Board within ten (10) days of the date of Respondent’s receipt of notice of such disciplinary action. Thereafter, the Provost shall promptly transmit the final investigation report and his/her written recommendation to the Board of Trustees. The Board shall review the reasons for appeal, the final investigation report, the Provost’s written recommendation, and any submission made by the Respondent relevant to the appeal, and may seek additional submissions or information from Respondent or the Provost. The Board shall notify both Respondent and the Provost of its decision, which shall be the final decision on the part of the University.

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14 If PHS-supported research is involved, the contents of the final report must comply with federal regulations (42 C.F.R. § 93.313).

15 This Review is extended only to cases involving a tenured faculty member.
7. **Special Measures**

a. If there is a finding that research misconduct occurred and the Provost determines that further action is required, the Provost shall direct the department head or program director\(^\text{16}\) to notify the editors of publications to which abstracts and/or papers relevant to the research misconduct have been submitted, and request that the work be withdrawn prior to publication. If any relevant work has already been published, the department head or program director will request that a correction or retraction be published. The individual who was found to have committed research misconduct will ordinarily be responsible for preparing and presenting appropriate corrections and/or retractions.

b. Should the procedure followed under this policy lead to a finding of no research misconduct by the Respondent, the party or parties who conducted the initial inquiry or formal investigation shall, as appropriate, undertake a good faith effort to restore the reputation of the Respondent. Reasonable efforts will also be taken to protect the standing of the individual(s) who raised the issue of possible research misconduct, unless the inquiry or investigation reveals that such individual(s) acted in bad faith, in which case appropriate disciplinary actions may be taken.

8. **Reporting**

a. If the research misconduct occurred in the context of externally sponsored research, the Provost shall instruct the VPR to convey the results of the investigation and any decision or further actions taken as a result of that investigation to the sponsor of the research. This communication shall include a description of the procedure that was followed to investigate the allegation(s) and a summary of the views of the person(s) found to have engaged in research misconduct.

b. The VPR shall file reports on allegations and investigations of research misconduct as required by the Federal Office of Research Integrity, Office of Scientific Integrity, or other relevant agency.

\(^{16}\) For the purposes of this section, the VPR will fulfill the responsibilities of the department head when the research misconduct was committed by a department head or program director.