OP 80.02: ETHICS IN RESEARCH AND OTHER SCHOLARLY ACTIVITIES

PREAMBLE

The highest standards of honesty, integrity and ethical behavior are expected of all personnel involved in research and scholarly activities in our institutions of higher learning. These standards are expected of all administrators, faculty, staff members, and students. Maintenance of public trust in these standards is the responsibility of all members of the university family.

POLICY

It is the policy of Mississippi State University that research and other scholarly activities carried out by its faculty, staff, and students be characterized by the highest standards of honesty, integrity, and ethical behavior. Misconduct in research or other scholarly activities is prohibited and allegations of such misconduct shall be investigated thoroughly and resolved promptly. Further, the University shall take such action as may be necessary to ensure the integrity of research and scholarly work, the rights and interests of research subjects and the public, and the observance of legal requirements or responsibilities. Public trust demands constant vigilance in this matter and violation of this policy shall be considered to be a serious breach of the trust placed in each member of the faculty, staff, and student body and may result in the imposition of disciplinary sanctions, including, but not limited to, dismissal from employment.

Every member of the faculty, staff, and student body has a responsibility for complying with this policy and for assisting their associates in continuing efforts to avoid any activity which may be considered in violation of this policy.

It is expected that all matters relating to allegations, inquiries, and investigations will be kept confidential to the utmost degree possible. Confidential information, including the names of the respondent(s) and complainant(s), will be disclosed on a need-to-know basis to ensure a thorough, objective, and fair investigation of research misconduct. Unauthorized dissemination of information relating to the allegations of misconduct by any party involved can form the basis for a finding of misconduct subject to disciplinary action.

Definitions for Purposes of this Policy

Misconduct is defined as fabrication, falsification, plagiarism or other serious deviation from accepted practices in proposing, carrying out, or reporting results from research or other scholarly activities. Fabrication is the making up of data or results and recording or reporting them. Falsification involves the manipulating of research materials, equipment, or processes, or changing or omitting data or results in a way that research is not accurately represented.

Plagiarism is using another person's ideas, processes, results or words without giving proper credit. In addition, the following research misbehaviors can be considered misconduct: Abuse of confidentiality: the misuse of information, ideas or data which were obtained through means where a reasonable expectation of confidentiality existed.

1. Intentional, repeated violation of regulations: failure to comply with applicable federal requirements for protection of human subjects, the environment, the public, or for ensuring the welfare of laboratory animals. Also, failure to comply with other applicable legal requirements governing research or other scholarly activities.
2. Violation of property: destroying or stealing research property belonging to other researchers. Includes destruction of research papers, equipment, lab notebooks, etc.
3. Any other serious deviation from accepted ethical research standards and practices.
4. Retaliation: taking punitive action against anyone involved in the reporting of research misconduct.
5. Misconduct does not include honest errors and ambiguities of interpretation.

Inquiry is defined as information-gathering and preliminary fact-finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

Investigation is defined as a formal examination and evaluation of relevant facts to determine whether misconduct has taken place or, if misconduct already has been confirmed, to assess its extent and consequences or recommend appropriate action.

Complainant refers to the individual(s) alleging that an act of misconduct has occurred. In some cases a complainant person is unnecessary where the issue of misconduct is to be determined by a review of documents or other materials.

Respondent refers to the individual(s) against whom an allegation of misconduct has been made.

Research Ethics Review Officer - The Vice President for Research and Economic Development shall designate an individual to serve as the Research Ethics Review Officer for the University. It will be the duty of the Research Ethics Review Officer to inform the Vice President for Research and Economic Development of the status of inquiries and investigations of misconduct and to be responsible for the security of all documents relating to allegations, inquiries, and investigations of misconduct.

Department Head is used in this policy as a generic term for department heads or chairs, program heads, program directors, or other unit heads.

Dean is used in this policy as a generic term for college deans or dean equivalents (e.g., directors of major units such as MAFES, MSUES, FWRC, MSCL, etc.). The dean or dean equivalent serves as the chief administrative officer of his/her respective area.

The disciplinary section of this policy is not intended to relate to appropriate sanctions or disciplinary actions to be imposed upon students for misconduct that is subject to other university policies such as the Student Code of Conduct and the Student Honor Code.

Instead, a finding of student misconduct along with the records generated under this policy, shall be referred to the Dean of Students for further consideration of any appropriate action.

PROCEDURES

1. Anyone having reason to believe that a member of the faculty, staff, or student body has engaged in misconduct in research or other scholarly activity should consult informally in person with the Research Ethics Review Officer. If the result of such discussion confirms the seriousness of the allegation, the matter then shall be reported by the Research Ethics Review Officer, in writing, to the department head of the respondent, his/her dean and vice president (hereinafter to be referred to as appropriate vice president), the Vice President for Research and Economic Development, and the respondent. The identity of the complainant will be kept confidential during the inquiry.

   The foregoing procedure also shall be followed in the event that an investigative committee appointed in accordance with Section 4 hereof obtains information that an individual, other than the one initially under investigation, has allegedly engaged in misconduct in research or other scholarly activity. Persons who knowingly falsify allegations of misconduct shall themselves be subject to disciplinary action.

   If the individual making the informal allegation chooses not to make a formal allegation, but the Research Ethics Review Officer believes there is sufficient cause to warrant an inquiry, the matter will be pursued; in such a case, there is no complainant.

2. Upon receipt of the report from the Research Ethics Review Officer, which will contain written allegations of misconduct, the dean(s) will convene a board of inquiry. The inquiry is considered formally initiated on the date the dean(s) receives the report. This board will consist of the dean(s), or his/her designee, the department head of the area in which the respondent is primarily employed, and the Research Ethics Review Officer. The inquiry normally should be concluded within sixty (60) days. In the event that the evidence acquired during the inquiry tends to support the allegation of misconduct, the respondent will be given an opportunity to respond in writing to the allegations prior to the completion of the inquiry.

   If the deadline for completion of the inquiry cannot be met, a report citing the reasons for the delay and progress to date will be included in the written record of the inquiry.

   In some instances, the seriousness of the allegation may be such that interim administrative action must be taken prior to completion of the inquiry. Such an action will be recommended by the board of inquiry and will require approval of the Vice President for Research and Economic Development. In no way should such an action be considered in any deliberations as to the guilt of the respondent.

Interim administrative action will be taken only when there is a possibility of additional damage from continued activity. Interim administrative action would consist, for example, an administrative order by the Vice President for Research and Economic Development to cease and desist specified activities and the reporting of information that may be required to third parties (such as sponsors of the research). This order may remain in force until the completion of the inquiry and investigation or may be lifted at any time for good cause by the Vice President for Research and Economic Development.

It is understood that all involved parties are obliged to cooperate to the fullest in any and all proceedings concerned with securing data related to the case.

The Research Ethics Review Officer will serve as secretary for the board conducting the inquiry and will be responsible for the security and confidentiality of all evidentiary materials relating to the inquiry. All such materials will be kept for a period of three (3) years or until such time that no further action is probable, at which time the materials will be destroyed by the Research Ethics Review Officer.

A written report shall be prepared by the board of inquiry that states the evidence reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. This report will be made part of the record. The date of the report shall mark the end of the inquiry.

3. If the judgment is made by the board of inquiry that the charge does not warrant an investigation, the inquiry will be closed, and the appropriate individuals so notified.

4. If it is determined by the board of inquiry that the misconduct charge warrants an investigation, the respondent shall be notified and sent a copy of the inquiry report. The record will then be forwarded immediately by the Research Ethics Review Officer to the Vice President for Research and Economic Development. The Vice President for Research and Economic Development, in consultation with other appropriate Vice Presidents, shall (a) appoint an investigating committee composed as provided herein, (b) refer the misconduct charge to the committee, (c) instruct the Research Ethics Review Officer to provide the inquiry report to the committee and (d) take such action as may be necessary to ensure the integrity of research or other scholarly work, the rights and interests of research subjects and the public, and the observance of the legal requirements or responsibility. The investigation shall be considered to be initiated on the date the Vice President for Research and Economic Development refers the misconduct charge to the investigating committee. The investigation must start within 30 days of the date that the inquiry ends or as soon as reasonable thereafter, as determined by the Vice President for Research and Economic Development, if additional time is warranted before beginning the investigation.

5. The committee shall consist of at least five (5) full professors (or full professor equivalents) not having a conflict of interest and who are judged by the Vice President for Research and Economic Development to be competent to evaluate the questions before the committee. External scholars or persons with expertise in other areas may be included on the committee when warranted by the nature of the field or by the nature of the allegations. The Research Ethics Review Officer shall serve as secretary to the committee but shall have no vote.

6. The committee shall conduct a prompt and thorough investigation in order to ascertain the facts of the case and to determine whether the respondent has violated this policy. Early in the course of the investigation the committee shall notify the respondent of the allegations being investigated by the committee and provide the individual with the opportunity to be heard by the committee, through presentation of statements and/or documents with respect to the misconduct allegation. The respondent shall have the right to call witnesses, at the respondent's expense, to provide information concerning the matter under investigation and to cross examine all witnesses called by the investigative committee. All examinations of witnesses are to be tape recorded. The respondent may, at respondent's expense, obtain an advisor (attorney or other person). The advisor may be present with the respondent during the proceedings to advise the respondent but not to participate or to otherwise communicate with the Committee or its members before, during, or after the proceedings.

7. Upon conclusion of the investigation, the committee shall prepare a preliminary investigation report setting forth its findings with respect to the misconduct charge and the grounds on which such findings are based. A copy of the preliminary investigation report and all other necessary information shall be mailed to the respondent, who shall be permitted to present a written response to said report within fourteen (14) days of the date of the report. Upon the earlier of the receipt of the respondent's written response or expiration of the fourteen-day response period, the committee shall prepare a final investigation report. The final investigative report shall contain: the allegations, names of the committee members, date of the investigative hearing, the conclusions reached by the committee, and the rationale for the conclusions.

8. The final report of the investigative committee shall be forwarded to the Vice President for Research and Economic Development. If a majority of the committee finds that the individual has violated this policy, it shall recommend an appropriate course of action to the Vice President for Research and Economic Development, which may include disciplinary sanctions and which shall include adequate steps to ensure that the University meets its obligations, if any, to third parties affected by the violation: these third parties may include co-investigators and co-authors, granting agencies and other research sponsors, professional journals, and relevant clients.

Upon receipt and review of the investigative committee's complete record, including all evidence, findings and recommendations, the Vice President for Research and Economic Development, in consultation with other appropriate vice presidents, shall issue a written decision and include therein disciplinary action, if any, to be taken. This report shall be provided to appropriate parties, including the respondent.

9. In the event the Vice President for Research and Economic Development finds that the respondent is not guilty of misconduct, all tapes and written documents of the investigation will be kept for a period of three (3) years or until such time that no further action is probable. At the end of the three year period all materials will be destroyed by the Research Ethics Review Officer and any reference to the investigation expunged from all University records, unless further investigation is probable.

10. The investigation normally should be concluded and the decision of the Vice President for Research and Economic Development issued within one hundred and twenty (120) days from the initiation of the investigation or as soon thereafter as is reasonable.

Appeal of the Decision of the Vice President for Research and Economic Development

Upon being notified of a finding of misconduct by the Vice President for Research and Economic Development and prior to the imposition of disciplinary action other than any interim administrative action taken as specified above, the respondent may appeal the decision to the President of the University. The appeal must be made in writing and received by the President's office within fourteen (14) days of the decision. The appeal must set forth specific grounds for appeal and must be restricted to the body of evidence presented in both the inquiry and investigation. The President will review the record to determine if the correct procedures were followed or if the decision was arbitrary or capricious. The President will render a decision in writing, which shall become a part of the record. If the President concurs with the decision of the Vice President, the decision is final and the record will be returned to the Vice President for Research and Economic Development who will notify appropriate parties to impose disciplinary action. If the President does not concur with the decision of the Vice President for Research and Economic Development, he/she may take such action as he/she deems appropriate.

Disciplinary Action

A finding which includes student misconduct, and a complete copy of the record, shall be forwarded by the Research Ethics Review Officer to the Dean of Students for consideration of whether further action is warranted for the student.

Disciplinary action of employees may consist of, but is not limited to, one or more of the following:

1. Letter of reprimand
2. Removal from particular project
3. Special monitoring of future work
4. Probation
5. Suspension
6. Salary reduction
7. Rank reduction
8. Termination of employment

Reporting to the Sponsor

The Research Ethics Review Officer shall take steps to notify, and keep informed, research sponsors in compliance with applicable laws, regulations and agreements. When notification is required, research sponsors shall be:

a. informed immediately if an initial inquiry supports a formal investigation:
b. informed immediately of any administrative actions;
c. kept informed during such a formal investigation;
d. notified prior to any investigation, or as required during an investigation:
    i. if the seriousness of apparent misconduct warrants;
    ii. if immediate health or environmental hazards are involved;
    iii. if the research sponsor's resources, reputation, or other interests require protection;
    iv. if federal action is needed to protect the interests of a subject of the investigation or of others potentially affected; or
    v. if the scientific community or the public should be informed.
e. informed within 24 hours of reasonable indication of possible criminal violation.

When required, the sponsor shall be provided with copies of all final reports and decisions resulting from any investigation hereunder. In the case of the respondent being judged not guilty of misconduct, the sponsor will be informed, when required, that all tapes and written records will be destroyed within three (3) years and all reference to the accusation(s), inquiry, and investigation expunged from all University records.

REVIEW

This policy will be reviewed every four years or as necessary by the Research Ethics Officer, the Vice President for Research and Economic Development, the Vice President for the Division of Agriculture, Forestry and Veterinary Medicine.

REVIEWED BY:

/s/ Katie Echols — 06/24/2016
Research Ethics Officer — Date

/s/ David R. Shaw — 07/15/2016
Vice President for Research and Economic Development — Date

/s/ Greg A. Bohach — 07/14/2016
Vice President, Division of Agriculture, Forestry and Veterinary Medicine — Date

/s/ Timothy N. Chamblee — 07/18/2016
Assistant Vice President and Director Institutional Research and Effectiveness — Date

/s/ Joan Lucas — 07/19/2016
General Counsel — Date

APPROVED:

/s/ Mark Keenum — 07/25/2016
President — Date