



Scholarly Misconduct

Area: Division of Academic Affairs
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Applies To: Division of Academic Affairs
Sources:
Responsible Party: Provost's Office

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I. Policy

Definitions

Complainant is an individual filing a written complaint of scholarly misconduct.

Inquiry is an information-gathering and initial fact-finding process to determine whether an allegation or apparent instance of misconduct warrants an investigation. An inquiry should be conducted with minimum publicity and maximum confidentiality.

University is Georgia Southern University.

Working Days are the days, Monday through Friday, when the University is open for business. Accommodations will be made in the event that the faculty member is not under contract during the fact-finding process.

Investigation is an informal examination and evaluation of all relevant facts to determine if an instance of misconduct has taken place, to evaluate its seriousness, and, if possible, to determine responsibility and the extent of any adverse effects resulting from the misconduct.

Misconduct or scholarly misconduct is the fabrication or falsification of data, plagiarism, or other practice that seriously deviates from those that are commonly accepted within the academic or research community for proposing, conducting, or reporting research or scholarly activity. It does not include honest error or honest differences in interpretation or judgments of data.

Plagiarism is the act of appropriating the literary composition of another, parts or passages of his or her writings, or the ideas or language of the same, and passing them off as the product of one's own mind. It involves the deliberate use of any outside source without proper acknowledgment. Plagiarism is scholarly misconduct whether it occurs in any work, published or unpublished, or in applications for funding.

Respondent is an individual who is the subject of an inquiry or investigation.

II. Procedures

Applicability

This policy shall apply to all instructional faculty, research faculty, and other members of the University's community, including, without limit, graduate student research assistants, graduate student teaching assistants, graduate student staff, undergraduate students employed in research or other scholarly activity, postdoctoral fellows and postdoctoral research associates, visiting faculty or staff, faculty or staff on sabbatical leave, adjunct faculty when performing university work, and faculty or staff on leave without pay. This policy applies to students only when acting in the course of their employment with the University.

Report of Possible Misconduct

Actions constituting misconduct as defined herein shall not be appropriate for review by the Faculty Grievance Committee. All allegations of misconduct shall be made in writing, signed by the Complainant, and shall be made in confidence directly to the Provost and Vice President for Academic Affairs (hereafter referred to as Provost).

Upon receipt of a complaint, the Provost shall inform the President and the Vice President for Research and Economic Development of the allegation. In the event that the person making the allegation considers the Provost to have a conflict of interest, the allegation may be reported directly to the President. The Provost shall consult with the appropriate (including legal) advisors to determine if an Inquiry is necessary. If the issue involved does not amount to misconduct, satisfactory resolution through means other than this policy should be sought, and, to the extent possible, the identity of the informant(s) shall remain confidential.

Interim Administrative Action

The Respondent will be notified of the complaint and provided with the allegation(s). Upon recommendation of the Provost, the appropriate dean (or Provost) may meet with the Respondent for the purpose of imposing temporary interim administrative actions prior to the completion of an Inquiry or Investigation, if necessary, to safeguard the integrity of the research or scholarly activity, prevent inappropriate use of sponsored funding, or otherwise protect the interests of a sponsor, the University, or the public. If temporary suspension of duties is imposed, such suspension shall be without loss of pay, pending the conclusion of the process described herein. The Respondent will be given the reasons for any temporary interim administrative action and afforded the opportunity to oppose such action.

The Respondent may be accompanied by legal counsel to any meeting on this matter. The role of respondent's legal counsel is limited to advising the respondent. Respondent's legal counsel may not participate in any administrative proceedings.

Inquiries

The purpose of an Inquiry is to determine if an investigation is warranted. If it is determined that an informal Inquiry is necessary, every reasonable effort shall be made to protect the identity of the individual(s) involved. (If the process reaches the investigative phase, however, the right of the Respondent to confront the Complainant requires the identity of the Complainant to be revealed as allowed by law.) The Provost shall direct the Inquiry. The Provost may, in his/her sole discretion, form an Inquiry Committee, the membership of which shall be determined by the Provost. The Inquiry Committee's membership will be at least two-thirds members from the corps of instruction at Georgia Southern University. The Inquiry Committee shall include one or more senior colleagues where specific technical expertise is required. The Provost will take precautions against conflicts of interest. The Provost may confer with appropriate legal advisor(s), as needed.

When an Inquiry is initiated, the Provost shall notify the Respondent in writing and advise the Respondent of the inquiry. The Provost, in consultation with appropriate (including legal) advisor(s), shall determine what additional notification is necessary, including if and when external funding agencies should be notified. Any such notification shall include a complete description of the evidence and shall be provided by the Provost.

The Provost or the Inquiry Committee, as determined by the Provost, shall separately meet with the Respondent and Complainant and shall review all necessary and reasonable documentation to determine if an Investigation should be recommended. Refusal on the part of the Respondent to cooperate shall be grounds for recommendation of an Investigation.

The Inquiry shall be completed and a final written report of the findings shall be prepared within 30 working days of its initiation. The final report shall summarize the process followed and state the conclusion of the Inquiry. If the Inquiry cannot be completed within 30 working days, a report shall be made to the Respondent and Complainant citing progress to date, the reasons for the delay, and the estimated completion date.

If the Inquiry does not produce substantial evidence of misconduct, the Provost shall so inform the person who made the allegation, the Respondent, the President, and the Vice President for Research and Economic Development. The Provost shall also so inform any other individual(s) involved in the Inquiry to whom the identity of the Respondent was disclosed.

If the Inquiry results in substantial evidence of misconduct, the Provost shall undertake an Investigation as outlined herein within 30 calendar days. The Complainant, the Respondent, and the Vice President for Research and

Economic Development shall be notified that an Investigation will follow. The Provost shall reach his/her determination on a case by case basis, considering all relevant factors, including, but not limited to: (1) the accuracy and reliability of the source of the allegation of misconduct; (2) the seriousness of the alleged misconduct; (3) the scope of the alleged incident and the context in which it became known; and (4) other information obtained during the Inquiry.

If an Investigation is initiated, any outside sponsoring agency which may be involved or have an interest in the alleged misconduct shall be notified. The Provost, in consultation with the Vice President for Research and Economic Development, shall determine what such notification will include and to whom it will be directed.

Investigation

The purpose of the Investigation is to determine whether misconduct has been committed. Upon determining that an Investigation is warranted, the Provost shall appoint an ad hoc Investigation Committee (herein the "Investigative Committee"). The Investigative Committee's membership will be composed of at least two-thirds members from the corps of instruction at Georgia Southern University. The Investigative Committee shall include one member who possesses specialized expertise in the same field as that of the Respondent and may include one member from outside the University as deemed appropriate by the Provost. Once formed, the Investigative Committee shall, in consultation with the Provost, confirm the procedure to be followed in conducting the Investigation. The Complainant and Respondent shall be fully informed of the procedure. In undertaking this Investigation, the Investigative Committee shall act promptly, ensure fairness to all, secure the necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence, and take precautions against conflicts of interest. The Investigation may consist of a combination of activities including, but not limited to: (1) review of documents; (2) review of report from the Inquiry; (3) interviews of parties and witnesses who may have been involved in or have knowledge about the case; and (4) review of any document or evidence provided or properly obtainable from the parties, witnesses, or other sources.

The Investigative Committee shall take no more than 120 working days to complete the Investigation, prepare a report of its findings, including recommended action(s), and submit the report to the Provost. (Note that the timeframe may be shorter if mandated by a sponsoring agency.) The Investigative Committee shall be responsible for examining all pertinent information, reviewing all records, and taking statements or testimony as necessary. The Investigative Committee shall provide the Respondent an opportunity to comment on the allegations and shall include his or her comments in its report. The Provost shall, after consultation with the Vice President for Research and Economic Development, notify any affected outside sponsor of any developments during the course of the Investigation which disclose facts that may affect current or potential funding for the individual(s) under investigation or information that the sponsor needs to know to ensure appropriate use of funds or otherwise protect the public interest.

If misconduct is not confirmed, the University shall make diligent efforts to restore the reputation of the Respondent by promptly providing all relevant parties with a factual report of the outcome and conclusion of the investigation. The Provost may initiate appropriate action against the Complainant if the Investigative Committee determines the charges were malicious or intentionally dishonest.

If misconduct is confirmed, the Provost shall notify the President and the Vice President for Research and Economic Development of these findings and shall impose appropriate sanctions against the Respondent.

Possible sanctions include, but shall not be limited to, the following:

- removal from any and all project(s) or activity
- letter of reprimand
- special monitoring of future work
- salary or rank reduction
- termination of employment

If sanctions less than termination are recommended, the Respondent may appeal the findings and sanctions to the President. If an appeal is not requested within 15 working days of receipt of notification of the sanctions to be imposed, the Respondent shall be deemed to have waived his or her right to appeal or contest the sanctions.

If an appeal is received by the President, the President will render an institutional decision on this matter after considering the report of the Investigative Committee, the recommendations of the Provost, and any additional rebuttal by the Respondent. The Respondent and interested parties will be notified of the President's decision; said decision is subject to appeal to the Board of Regents under Article VIII of the Board of Regents *Bylaws*.

If termination is the recommended sanction, a tenured faculty member or non-tenured faculty member in the middle of the contract will be notified that he/she is about to be terminated for cause and may request a hearing before a faculty Hearing Committee as described in the Board of Regents *Bylaws*. The report of the Hearing Committee will be considered by the President. The President may retain the faculty member or remove for cause. The decision of the President will be delivered to the faculty member in writing and will include the reasons for dismissal and notice of right of appeal to the Board of Regents under Article VIII of the Board of Regents *Bylaws*.

Approved by the Faculty Senate, June 2, 1998.