Scientific Misconduct: Policy and Procedures Concerning Allegations

I. DEFINITION OF MISCONDUCT IN RESEARCH

"Misconduct" or "misconduct in science" as used herein is defined as fabrication, falsification, plagiarism, deception or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conduction or report research. Scientific Misconduct does not include honest error or honest differences in interpretation or judgements of data.

II. PROCEDURES GOVERNING PRELIMINARY INQUIRY FOR SUBSTANTIATION OF ALLEGED SCIENTIFIC MISCONDUCT.

Any faculty member of Loyola University Medical Center (LUMC) and Stritch School of Medicine (SSOM) may be the recipient of information concerning possible misconduct. However, the Associate Dean for Research (ADR) is designated as the primary recipient of this information, i.e., when the ADR is not the person advised initially, the latter recipient should directly relate the matter to the ADR. In the case of a real or perceived conflict of interest between the respondent of the allegation and the ADR, the allegation should be reported directly to the Dean, SSOM. The ADR or Dean will then initiate processing the faculty member related to the alleged offense and the respective department chairperson immediately. In all instances of alleged misconduct, the Dean of SSOM will be notified that a preliminary investigation is being initiated. The ADR will then immediately appoint an ad hoc committee composed of individuals within the institution (excluding individuals directly related to the initial allegation) to determine if the report of misconduct is significant. Notification to the subject of the allegation that an inquiry process has convening of the ad hoc committee. If the decision of the ad hoc committee, which must be reached within 30 days, is that the allegation is frivolous, cannot be substantiated and/or there is insufficient evidence for further processing, the committee will recommend that the investigation be terminated. SSOM will protect the rights and reputations of all parties involved by affording the affected individual(s) confidential treatment, a prompt and thorough investigation (if warranted) and an opportunity to comment on allegations and/or related findings. From the initiation of the preliminary investigation, the privacy of those who have reported the misconduct will be protected.

If the initial report of possible scientific misconduct is judged to be worthy of further investigation, the Dean will be notified immediately. At this time, the awarding component of the research support will also be notified that a preliminary investigation
III. DEFINITIVE INVESTIGATION OF ALLEGATIONS OF SCIENTIFIC MISCONDUCT

The ad hoc committee previously organized in the preliminary review process will be expanded to involve individuals with expertise appropriate to the allegation and a thorough and appropriate evaluation of all relevant evidence will be undertaken. All precautions against real or apparent conflicts of interest and methods to ensure fairness to all will be followed. One of three possible outcomes should result from a definitive investigation: 1) a finding of misconduct; 2) a finding that no culpable conduct was committed, but serious scientific errors were discovered; 3) a finding that no fraud, scientific misconduct or serious scientific error was committed. This investigation should ordinarily take no more than 120 days and preferably less. At 90 days after the initiation of the investigation, the awarding component of the individual involved must be notified that the investigation is continuing and that a conclusion will be reached within 120 days. Upon completion of the investigation the ADR will submit to the agency a complete report of the findings and the recommended disposition of the case. If, at the end of 90 days, the school has determined that the investigation will not be complete within 120 days, it must notify the awarding component/agency of this investigation is complete. Individuals under investigation must be aware that the awarding component/agency may initiate their own investigative procedures.

IV. ACTIONS BASED ON OUTCOME OF A DEFINITIVE MISCONDUCT INVESTIGATION

A. If the allegation of scientific misconduct is found to be frivolous, unjustified or clearly mistaken, i.e., cannot be substantiated, LUMC-SSOM will undertake diligent efforts to restore the reputation of those previously under investigation.

B. If the allegation was brought forth in good faith, no formal action other than notification of the appropriate individuals is necessary.

C. If the allegations are found to be maliciously motivated, disciplinary actions may be taken against those responsible.

D. If scientific misconduct is confirmed, the Dean, SSOM will be provided with the committee's full report. Appropriate sanctions will be initiated as described by the Faculty Handbook of Loyola University. Simultaneously, the awarding components for all supported research of the individual involved will be notified of the investigational findings and appropriate restitution will be made. All pending manuscripts and abstracts emanating from the fraudulent research will be withdrawn. Editors of the journals in which previous publications of the individual(s) have appeared, will also be notified of the investigational findings. It is also recognized that the latter funding agencies may impose sanction on their own as defined in the NIH
E. If the respondent or subject of the allegation resigns from the facility or staff prior to the resolution of the case, the school affirms the responsibility to continue the examination of the allegations and reach a definitive conclusion.

V. INTERIM ADMINISTRATIVE ACTIONS

Depending on the seriousness of the alleged misconduct as judged by the investigation of ad hoc committee, especially with regard to situations concerning immediate health hazards and allegations of criminal violations, interim administrative action on the part of the SSOM may be necessary. This may constitute immediate suspension of all research activities of the individual involved until the definitive investigation is complete.

VI. APPEAL PROCESS AND FINAL REVIEW

An appeal process must be instituted in writing from the respondent. The appeal process will be restricted to the body of evidence already presented and the grounds for appeal are limited to the documentation that appropriate procedures were not followed.

The appeal should be directed to the Provost. The appeal process will conform to that outlined in the faculty handbook.