

**Title: Ethical Conduct of Research  
and Research Misconduct**  
**Code: 4-210-020**  
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## INTRODUCTION

This statement sets forth Boston College's policy on the ethical conduct of research and the University's procedures for addressing instances of research misconduct. This policy describes the rights and responsibilities of research personnel, administrators, and others in the academic community in a manner that is consistent with the requirements of applicable federal regulations and policy.

This policy applies to all persons affiliated with Boston College ("the University"), including faculty and research personnel (including any temporary or adjunct members of the research staff, graduate students, and other trainees). Cases of alleged research misconduct involving undergraduate students are subject to the normal disciplinary rules governing students, but will be reviewed, as appropriate, under this Policy. This policy applies with equal force to unfunded research, research funded by the University, and research funded by an external entity. This Policy applies to the conduct of research, reporting to sponsors, presentation, or publication of results, and the process of applying for sponsored funding.

If sponsored funds are involved in the research, the University shall take into account any applicable regulatory requirements and the terms of agreements executed with the sponsor. If applicable, the University shall comply with such requirements and agreements. The Director, Office for Research Compliance, shall review applicable sponsor agreements and regulatory requirements, and shall advise the Provost, Vice Provost for Research, Inquiry Committees, and Investigation Committees when such agreements and regulations have specific requirements with which the University must comply.

## POLICY

In keeping with the central importance the Jesuit tradition places on the search for truth, it is the policy of the University that those conducting research will adhere to the highest ethical standards. The University shall review, inquire into and, if necessary, investigate all instances of alleged misconduct; and shall endeavor to resolve all instances of alleged misconduct promptly and fairly. When sponsored project funds are involved in the research, the University will comply in a timely manner with sponsor requirements for reporting on cases of possible misconduct, consistent with the sponsor's policies, whether or not specifically incorporated in the Procedures outlined below.

**Research misconduct** means fabrication, falsification or plagiarism in proposing, performing, or reviewing research or reporting research results, or in the conduct of other academic pursuits. It also includes unethical research involving living research subjects as well as retaliation against those making allegations of research misconduct. Research misconduct does not include honest error or differences of opinion.





- a. **Responsibilities of Persons in Supervisory Positions.** Principal Investigators are responsible for (1) assuring that this Policy is communicated to and followed by all who work under their supervision, directly or indirectly; (2) assuring the validity of all data and information developed and communicated by their research groups; and (3) assuring appropriate citation of contributions from those within and outside each research group.
- b. **Responsibilities of Persons Who Collaborate on Research Projects.** Co-authorship denotes involvement and responsibility for the reported and published research. Although collaborative research relationships are based on trust, some joint evaluation of data should be an integral part of the review process, even in long-distance collaborations.

**3. Responsibilities of Administrators.** The Provost and Dean of Faculties, the Vice Provost for Research, the General Counsel, the Director, Office for Sponsored Programs (the "Director (OSP)"), and the Director, Office for Research Compliance ("Director (ORC)") are charged with ensuring the implementation of this Policy. They will disseminate the Policy to the University community, and, when an allegation of misconduct is made, they will assure that the appropriate review procedures are begun promptly. In addition, the Director (ORC) shall be responsible for: (1) maintaining in accordance with applicable laws and regulations accurate records of proceedings and activities under this Policy; (2) ensuring, where required, that proper and timely reporting to sponsors is made for any allegation, Inquiry or Investigation of misconduct; (3) representing the University when present or former research personnel are the subject of allegations, Inquiries, or Investigations that involve outside institutions; and (4) serving as consultant to the Vice Provost for Research and the Provost during an Inquiry or Investigation in which the Director (ORC) is not directly involved.

**4. Responsibilities of Persons Involved in the Allegation or the Review of Research Misconduct.**

- a. **Confidentiality.** To protect the reputation and professional and institutional standing of individuals against whom misconduct is alleged (the "Subject"), persons who participate in any way in the filing of an allegation under this policy shall maintain all information about the matter in absolute confidence. Unless the subject matter being discussed is otherwise available to the public, such persons should only discuss the matter in the context of the procedures detailed in this Policy. Any inquiries about the matter from the press and other persons both inside and outside the University community should be directed to the Provost, who shall coordinate all public releases with the Office of Public Affairs.

Disclosure of the identity of Subjects and Complainants in research misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as required by law or regulation. Notwithstanding the foregoing:

- (1) The University must disclose the identity of Subjects and Complainants to sponsors pursuant to a sponsor review of research misconduct proceedings.
- (2) Federal administrative hearings must be open to the public.

- b. **Conflict of Interest.** Prior to participation in any aspect of an Inquiry or Investigation, a person who will be involved in any capacity is required to disclose to the Vice Provost for Research in writing the existence of (i) a conflict of interest, or (ii) any facts which might cause him or her to be perceived to be biased concerning the facts of the allegation. No person who has a bias or conflict of interest or the appearance of a bias or a conflict of interest shall serve as a member of an Inquiry Committee or of the Investigation Committee established under this Policy. The Vice Provost for Research will be



copy of the procedures for review of allegations of research misconduct. The appropriate departmental Chairperson and academic Dean will also be notified.

- c. The purpose of the Inquiry is to conduct an initial review of the evidence to determine whether an allegation of research misconduct warrants a full Investigation and/or requires that special action be taken pending resolution of the allegation of research misconduct. The Inquiry will determine whether the allegation of misconduct appears to have sufficient substance to merit an Investigation and the likely scope of any necessary Investigation. An Inquiry should be completed within sixty (60) days after an allegation is filed with the Vice Provost for Research. If an Inquiry takes longer than sixty (60) days to complete, the justification for the additional time shall be documented and made a part of the record.
- d. The Inquiry will be conducted by an Inquiry Committee composed of at least three tenured faculty members chosen by the Vice Provost for Research in consultation with the Director (ORC).
- e. The Inquiry Committee will consist of one individual from the department to which the Subject belongs; one individual who belongs to a department other than the one to which the Subject belongs; and one individual who is a member of the University Research Council (the "Research Council"). All members will have appropriate qualifications to evaluate the issues raised in the Inquiry. The member of the Research Council will chair the Inquiry Committee.
- f. The Inquiry Committee will have access to documents relating to the alleged misconduct, and may interview the person who filed the allegation and the Subject.
- g. The Inquiry Committee will submit a written report to the Vice Provost for Research. The report shall state what evidence was reviewed, summarize relevant interviews, and state the conclusions of the Inquiry Committee.
- h. The Subject shall be given a copy of the report. Any comments on the report made by the Subject shall be made a part of the record.
- i. After receiving the written report of the Inquiry Committee, the Vice Provost for Research will determine whether to dismiss the matter or to proceed with an Investigation. The criteria warranting an investigation are (1) whether the allegation falls within the definition of research misconduct and (2) whether the preliminary information-gathering and fact-finding indicate that the allegation may have substance. The Vice Provost for Research will notify the Provost, the Director (ORC), the Subject, the individual who made the allegation, the appropriate Department Chair and Dean of the decision.
- j. If the person who filed the allegation disagrees with a decision to dismiss the matter, he or she may appeal to the Provost in writing, specifying the factual basis for reversing the decision. The Provost will consider the appeal and, after reviewing his or her prior finding, make a final determination as to appropriate action.
- k. Irrespective of the results of the Inquiry, one copy of all the information assembled in the course of the Inquiry will be placed in a sealed file and maintained by the Director (ORC) for at least three years or such longer time as required by sponsor policy. All other copies of materials shall be either destroyed or returned to the appropriate persons.

### **3. Investigation**



documents examined by the Investigation Committee and summaries of all interviews carried out by the Investigation Committee.

- h. At regular intervals, the Investigation Committee will inform the Director (ORC) of the progress of its Investigation in writing, and will notify the Director (ORC) if it expects to be unable to conclude deliberating the matter before an established deadline. In such an event, the Investigation Committee should notify the Director (ORC) in time for the Director (ORC) to process all requests for extension of time required by any agency or sponsor.
- i. Confidential, detailed written minutes shall be kept of all Investigation Committee proceedings. Tape or digital recordings may be made of any meetings if the Investigation Committee considers it advisable to do so, but tape or digital recordings will be considered supplemental to the written minutes.
- j. At the request of the Subject of an allegation or any other person being interviewed by the Investigation Committee, the Investigation Committee may permit the person's legal counsel to be present during the Investigation Committee's meetings with that person. If the interviewee's counsel will be present, University Counsel will be so notified by the Investigation Committee and invited to attend. When invited, legal counsel may observe but shall not participate in the proceedings. With the prior approval of the Investigation Committee, the Subject may also be accompanied by a non-attorney colleague.
- k. The Investigation Committee will prepare a draft final report and provide a copy of such report to the Subject, who will be afforded a reasonable time to review and comment, offer corrections, accept its conclusions, or deny the allegations. The Investigation Committee's report will respond to the allegations made, and will assess the validity of those allegations.
- l. After taking into account and, when appropriate, acting on the Subject's response, the Investigation Committee will submit a final report to the Vice Provost for Research. If the Investigation Committee recommends that a finding be made that the Subject has committed research misconduct, the Investigation Committee may also recommend one or more sanctions in its report. Minority reports and the Subject's response to the report will be transmitted with the Investigation Committee's report.
- m. The Vice Provost for Research will forward the Investigation Committee's report and his or her recommendation to the Provost. If the Provost finds that the Subject has not engaged in research misconduct, the Provost will dismiss the matter. If the Provost finds that the Subject of an allegation engaged in research misconduct, the Provost will determine what, if any, sanctions to impose. The Provost will inform the Subject, the Director (ORC), the Vice Provost for Research, and the appropriate departmental chairperson and/or Dean of his or her decision in writing.
- n. During the course of the Inquiry or Investigation, the Director (ORC), Inquiry Committee, or Investigation Committee may recommend to the Vice Provost for Research that interim action be taken to comply with applicable regulation or to protect the public, the University, or any persons involved in the matter under Investigation. The Vice Provost for Research may either take appropriate action or make a recommendation to the Provost that appropriate action be taken. The Vice Provost for Research and/or the Provost may, within the limits of their authority, take such interim actions as they deem prudent.





