



INSTITUTIONAL POLICY: R-03

Category: Research
Subject: Research Misconduct
Effective Date: ~~September 21, 2016~~
Updated: ~~November 17, 2023~~
Applicability: Faculty, Staff, Students, and all others involved in research, research training, and related research activities

R 03-1. Authority

W. Va. Code § 18B-1-6

R 03-2. Introduction

- 2.1 The West Virginia School of Osteopathic Medicine (“WVSOM”) hereby establishes its policy regarding Research Misconduct in compliance with the Public Health Service Policies on Research Misconduct, 42 C.F.R. Part 93. This policy is applicable to all WVSOM ~~Research~~, ~~Research~~ training, and related ~~Research~~ activities regardless of source of funding for the ~~Research~~ being conducted.
- 2.2 WVSOM recognizes the destructive nature of Research Misconduct on the scientific process, on the integrity of the institution, its faculty, its research enterprise and on public confidence. For this reason, Institutional Members shall not engage in such behavior. Institutional Members, including members of the community serving on WVSOM ~~Research~~ related committees, must report observed, suspected, or apparent Research Misconduct to the Associate Dean for Research and Sponsored Programs. Decisions concerning ~~allegation~~ Allegations of Research Misconduct will depend on (1) evidentiary findings of misconduct and (2) the seriousness of the misconduct.

R 03-3. Definitions

- 3.1 “Adjudication” means the phase during which the ~~Investigation~~ recommendations are reviewed and appropriate corrective actions determined.
- 3.2 “Allegation” means a disclosure of possible Research Misconduct through any means of communication and brought directly to the attention of an institutional or HHS official.
- 3.3 “Assessment” means a consideration of whether an Allegation of Research Misconduct appears to fall within the definition of research misconduct; appears to involve PHS-supported biomedical or behavioral research, biomedical or behavioral research training, or activities related to that research or research training; and is sufficiently credible and specific so that potential Evidence of research misconduct may be identified. The Assessment only involves the review of readily accessible information relevant to the Allegation.

3.4 “Complainant” means a person who in Good Faith makes an Allegation of research misconduct.

3.5 “Evidence” means any document, tangible item, or testimony offered or obtained during a Research Misconduct Proceeding that tends to prove or disprove the existence of an alleged fact.

3.6 “Fabrication” means making up data or results and recording or reporting them.

3.7 “Falsification” means manipulating research materials, equipment, or processes, or changing or omitting data or results such that the Research is not accurately represented in the Research Record.

3.8 “Good Faith”:

3.8.1 As applied to a Complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the Complainant's or witness's position could have based on the information known to the Complainant or witness at the time. An allegation or cooperation with a Research Misconduct Proceeding is not in good faith if made with knowing or reckless disregard for information that would negate the allegation or testimony.

3.8.2 As applied to a committee member, means cooperating with the Research Misconduct Proceeding by carrying out the duties assigned impartially for the purpose of helping WVSOM meet its responsibilities under this procedure. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the Research Misconduct Proceeding.

3.9 “Inquiry” means preliminary information-gathering and preliminary fact-finding conducted for the Assessment of whether the Allegation has substance and if an Investigation is warranted.

3.10 “Institutional Members” means all individuals employed by or affiliated with WVSOM, including but not limited to officials, faculty, teaching and support staff, researchers, research coordinators, clinical technicians, postdoctoral and other fellow, students, volunteers, subject matter experts, consultants, attorneys, employees, or agents, and contractors, subcontractors, and subawardees, and their employees.

3.11 “Institutional Record” comprises: (a) The records that WVSOM compiled or generated during the Research Misconduct Proceeding, except records WVSOM did not consider or rely on. These records include but are not limited to (1) documentation of the Assessment; (2) if an Inquiry is conducted, the Inquiry report and all records (other than drafts of the report) considered or relied on during the Inquiry, including, but not limited to, Research Records and the transcripts of any transcribed interviews conducted during the Inquiry, information the Respondent provided to WVSOM, and the documentation of any decision not to investigate; (3) if an Investigation is conducted, the Investigation report and all records (other than drafts of the report) considered or relied on during the Investigation, including, but not limited to, Research Records, the transcripts of each interview conducted, and information the Respondent provided to WVSOM; (4) decision(s) by the Vice President of

Academic Affairs and Dean; (b) a single index listing all the Research Records and Evidence that WVSOM compiled during the Research Misconduct Proceeding, except records WVSOM did not consider or rely on; and (c) a general description of the records that were sequestered but not considered or relied on.

3.53.12 “Intentionally” means to act with the aim of carrying out the act.

3.13 “Investigation” means the formal development of a factual record and the examination of that record ~~leading to a decision not to make a finding of Research Misconduct or to a recommendation for a finding of Research Misconduct which may include a recommendation for other appropriate actions~~that meets the criteria and follows the procedures of 42 CFR Parts 93.310 and 93.317.

3.14 “Knowingly” means to act with awareness of the act.

3.63.15 “Notice” means a written communication served in person, sent by mail or its equivalent to the last known street address, facsimile number, or e-mail address of the addressee.

3.16 “Plagiarism” means the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit. (a) Plagiarism includes the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another’s work that materially misleads the reader regarding the contributions of the author. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology. (b) Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a Research project. Self-plagiarism and authorship disputes do not meet the definition of Research Misconduct.

3.17 “Preponderance of the Evidence” 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.

3.18 “PHS” means Public Health Service.

3.19 “Recklessly” means to propose, perform, or review Research, or report Research results, with indifference to a known risk of Fabrication, Falsification, or Plagiarism.

3.20 “Records of Research Misconduct Proceedings” means (a) the Research Records and Evidence that WVSOM secures pursuant to this policy and its accompanying procedure; (b) the documentation of the determination of irrelevant or duplicate records; (c) the Inquiry report and final documents (not drafts) produced in the course of preparing that report, including the documentation of any decision not to investigate; and (e) the Investigation report and all records (other than drafts of the report) in support of that report, including the recordings of transcriptions of each interview conducted.

3.21 “Research Integrity Officer” means the WVSOM official responsible for administering the WVSOM’s written policy and procedures for addressing Allegations for Research Misconduct in compliance with the PHS regulation.

3.73.22 “Research” means a systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research).

3.23 “Research Misconduct” means ~~f~~Fabrication, ~~f~~Falsification, or ~~p~~Plagiarism in proposing, performing, or reviewing ~~r~~Research, or in reporting ~~r~~Research results. Research Misconduct does not include honest error or differences of opinion.

3.24 “Research Misconduct Proceeding” means any actions related to alleged Research Misconduct taken under this policy and its accompanying procedure, including but not limited to, Allegation Assessments, Inquiries, Investigations, federal agency oversight reviews, hearings, or other related proceedings.

3.25 “Research Record” means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, Research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, and any documents and materials provided to WVSOM by a Respondent in the course of the Research Misconduct Proceeding.

3.26 “Respondent” means the person against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct Proceeding.

3.27 “Retaliation” means an adverse action taken against a Complainant, witness, or committee member by WVSOM or one of its Institutional Members in response to

3.27.1 A Good Faith allegation of Research Misconduct; or

3.8.03.27.2 Good Faith cooperation with a Research Misconduct Proceeding.

R 03-4. Response to Allegations and Procedures

4.1 WVSOM commits to taking the following steps as necessary in responding to and resolving ~~allegation~~Allegations of Research Misconduct: Inquiry, Investigation and Adjudication.

4.2 The procedures for reporting ~~allegation~~Allegations of Research Misconduct and the process for handling these ~~allegation~~Allegations are set forth in WVSOM’s procedure on Research Misconduct, and can be found at the following WVSOM website link:

4.3—~~https://www.wvsom.edu/policies/r-03/procedure~~<http://www.wvsom.edu/sites/default/files/u60/Procedure%20for%20IP%20R-03%20Research%20Misconduct%20%2804-28-16%29.pdf>.

R 03-5. Basis of Findings

Decisions concerning ~~allegation~~Allegations of Research Misconduct will depend on evidentiary findings of misconduct:

5.1 The ~~allegation~~Allegations must be proven by a ~~p~~Preponderance of the ~~e~~Evidence;

5.2 The Research Misconduct is committed ~~i~~Intentionally, ~~k~~Knowingly, or ~~r~~Recklessly; and

- 5.3 There is a significant departure from accepted practices of the relevant ~~¶~~Research community.

R 03-6. Seriousness of Research Misconduct

If Research Misconduct is found, the disciplinary process, including the determinations of the nature and severity of the disciplinary action, shall follow applicable WVSOM policies and procedures on disciplinary actions, including WVSOM faculty, staff, and student handbooks. Disciplinary action based on a finding of Research Misconduct will take into account the seriousness of the misconduct, including but not limited to:

- 6.1 The degree to which the Research Misconduct was knowing, intentional, or reckless;
- 6.2 Whether it was an isolated event or reflective of a pattern of behavior; or
- 6.3 If it had significant impact on the ~~¶~~Research ~~¶~~Record, ~~¶~~Research subjects, other researchers, institutions, or the public welfare.

R 03-7. References

- 7.1 ~~Federal Register, Vol. 70, No. 94 dated Tuesday, May 17, 2005/ Rules and Regulations:~~ http://ori.hhs.gov/documents/42_cfr_parts_50_and_93_2005.pdf ~~Federal Register, Vol. 89, No. 180 dated Tuesday, September 17, 2024/Rules and Regulations:~~ <https://www.google.com/search?client=firefox-b-l-d&q=42+cfr+Part+93>.
- 7.2 Federal Policy on Research Misconduct, National Science and Technology Council, Executive Office of the President of the United States, December 6, 2000: <https://www.federalregister.gov/articles/2000/12/06/00-30852/executive-office-of-the-president-federal-policy-on-research-misconduct-preamble-for-research#h-17>