RESEARCH MISCONDUCT POLICY

I. DEFINITIONS

A. Misconduct. Research misconduct includes fabrications, falsification, plagiarism, violations of requirements for the protection of human or animal subjects, and other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include unintentional error or honest differences in interpretations of or judgments about data.

B. Dean. The Dean of the Graduate School and Research, or his or her designee.

C. Inquiry. A confidential, informal preliminary investigation.

D. Investigation. A formal, thorough investigation, complete with a fair hearing per UWM Policies and Procedures 5.45(3).

E. Faculty Rights and Responsibilities Committee. A faculty standing committee, authorized and defined in UWM Policies and Procedures 5.40.

II. STATEMENT OF INTENT

It is the intent of the University of Wisconsin-Milwaukee to foster a research environment that discourages misconduct in all research and that deals forthrightly with possible research misconduct. The policies and procedures established for the investigation of research misconduct are designed to protect both the accused and the accuser from detrimental effects, including loss of reputation, until the investigation is completed and the findings made public. This policy does not annul or replace any existing policy or set of procedures outlined in the UWM Policies and Procedures.

III. PROCEDURES

A. If not already resolved by administrators at the departmental, school, or college level, a complaint alleging research misconduct shall be forwarded to the Dean, as the Chancellor's designee, pursuant to UWS 6.01.
B. Preliminary Inquiry

The Dean shall be responsible for conducting a preliminary inquiry. The preliminary inquiry shall be considered informal and confidential; it shall be conducted in a manner that protects both the accused and the accuser(s). If requested, the identity of the accused and the accuser will be protected throughout the preliminary inquiry. The preliminary inquiry is conducted to determine whether there is probable cause to believe that research misconduct has occurred and, if so, whether a full investigation is warranted. The preliminary inquiry must be completed and the report (see below) filed with designated recipients within 60 days of receipt of the allegation, unless extraordinary circumstances prolong the period of inquiry, in which case, a written statement of the extraordinary circumstances must be included in the report.

C. Report of Preliminary Inquiry

A written report shall be prepared, which states the evidence reviewed, including testimonial evidence, and the findings and conclusions of the inquiry. Regardless of conclusion, a copy of the preliminary inquiry report shall be given to the accused and the accuser. The accused has the right to make, within 15 working days, a written response or comment, which shall be made part of the record.

The report of the preliminary inquiry, along with any written response or comment by the accused shall be maintained in secure files for at least three years beyond the close of the inquiry or investigation, whichever is later.

D. Determination of Need for Investigation

If the Dean, on the basis of the preliminary inquiry, determines either that there is probable cause to believe that research misconduct occurred or that an investigation is warranted, the Dean shall promptly so inform the Chancellor in writing.

E. Referral to Faculty Rights and Responsibilities Committee

Upon notification by the Chancellor that an investigation is warranted, the University Committee shall promptly refer the matter to the Faculty Rights and Responsibilities Committee for consideration.

If either party to the allegation of misconduct is not satisfied with the conclusion of the preliminary inquiry, either party may bring the matter to the University Committee for consideration for referral to the Faculty Rights and Responsibilities Committee.
F. Investigation

The Faculty Rights and Responsibilities Committee shall act pursuant to their powers provided in UWM Policies and Procedures 5.41 through and 5.45. The investigation must commence within 30 days of the date upon which the report of the preliminary inquiry was filed. The investigation must be completed, disciplinary action recommended, and report filed with the funding agency (if required) within 120 days of commencement.

(1) Any member of the Faculty Rights and Responsibilities Committee who may have a conflict of interest, either real or apparent, shall not participate in any way in the case.

(2) In conducting any investigation and hearing, the Faculty Rights and Responsibilities Committee shall secure the necessary expert testimony as appropriate to conduct a thorough and authoritative evaluation of the relevant evidence.

G. Report of Investigation, Findings, and Recommendation by Faculty Rights and Responsibilities Committee

A written report shall be prepared, and promptly transmitted to the Chancellor, per UWM Policies and Procedures 5.45(5). A copy of this report shall be given to the accused, and the accused shall have the right to make written objections on the record, per UWM Policies and Procedures 5.46 (1) and (2).

IV. DEAN'S ADMINISTRATIVE PREROGATIVE

During the course of any inquiry or investigation, the Dean shall have the prerogative to take interim administrative actions, as appropriate, to protect Federal funds and insure that the purposes of the Federal financial assistance are protected.

V. REPORTING REQUIREMENTS

A. Public Health Service Grants

1. Any time it becomes apparent that any one of the following circumstances exists, the Dean is required to report such circumstances to the funding agency:
Faculty Document 1793
October 17, 1991

a) when a preliminary inquiry indicates that an investigation is warranted;
b) when there is an immediate health hazard;
c) when there is an immediate need to protect Federal funds or equipment;
d) when there is an immediate need to protect the interests of the accuser(s) or the accused; or
e) when it is probable that the allegations will be reported publicly.

2. Whenever there is reasonable cause to believe that criminal violations have occurred, the Dean is required to report such to the funding agency within 24 hours of receipt of the information supporting such belief.

B. National Science Foundation Grants

Any time it becomes apparent that an allegation of misconduct warrants an investigation (as defined in I.D., above), the Dean is required to report that conclusion to the funding agency.

C. Grants from Other Extramural Agencies

Regulations and requirements for reporting research misconduct to other extramural funding sources will be incorporated into this policy, as they are announced by the agency.
RESEARCH MISCONDUCT POLICY

I. DEFINITIONS

A. Misconduct. Research misconduct includes fabrications, falsification, plagiarism, violations of requirements for the protection of human or animal subjects, and other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting, or reporting research. It does not include unintentional error or honest differences in interpretations of or judgments about data.

B. Dean. The Dean of the Graduate School and Research, or his or her designee.

C. Inquiry. A confidential, informal preliminary investigation.

D. Investigation. A formal, thorough investigation, complete with a fair hearing per UWM Policies and Procedures 5.45(3).

E. Faculty Rights and Responsibilities Committee. A faculty standing committee, authorized and defined in UWM Policies and Procedures 5.40.

II. STATEMENT OF INTENT

It is the intent of the University of Wisconsin-Milwaukee to foster a research environment that discourages misconduct in all research and that deals forthrightly with possible research misconduct. The policies and procedures established for the investigation of research misconduct are designed to protect both the accused and the accuser from detrimental effects, including loss of reputation, until the investigation is completed and the findings made public. This policy does not annul or replace any existing policy or set of procedures outlined in the UWM Policies and Procedures.

III. PROCEDURES

A. If not already resolved by administrators at the departmental, school, or college level, a complaint alleging research misconduct shall be forwarded to the Dean, as the Chancellor's designee, pursuant to UWS 6.01.
B. Preliminary Inquiry

The Dean shall be responsible for conducting a preliminary inquiry. The preliminary inquiry shall be considered informal and confidential; it shall be conducted in a manner that protects both the accused and the accuser(s). If requested, the identity of the accused and the accuser will be protected throughout the preliminary inquiry. The preliminary inquiry is conducted to determine whether there is probable cause to believe that research misconduct has occurred and, if so, whether a full investigation is warranted. The preliminary inquiry must be completed and the report (see below) filed with designated recipients within 60 days of receipt of the allegation, unless extraordinary circumstances prolong the period of inquiry, in which case, a written statement of the extraordinary circumstances must be included in the report.

C. Report of Preliminary Inquiry

A written report shall be prepared, which states the evidence reviewed, including testimonial evidence, and the findings and conclusions of the inquiry. Regardless of conclusion, a copy of the preliminary inquiry report shall be given to the accused and the accuser. The accused has the right to make, within 15 working days, a written response or comment, which shall be made part of the record.

The report of the preliminary inquiry, along with any written response or comment by the accused shall be maintained in secure files for at least three years beyond the close of the inquiry or investigation, whichever is later.

D. Determination of Need for Investigation

If the Dean, on the basis of the preliminary inquiry, determines either that there is probable cause to believe that research misconduct occurred or that an investigation is warranted, the Dean shall promptly so inform the Chancellor in writing.

E. Referral to Faculty Rights and Responsibilities Committee

Upon notification by the Chancellor that an investigation is warranted, the University Committee shall promptly refer the matter to the Faculty Rights and Responsibilities Committee for consideration.

If either party to the allegation of misconduct is not satisfied with the conclusion of the preliminary inquiry, either party may bring the matter to the University Committee for consideration for referral to the Faculty Rights and Responsibilities Committee.
F. Investigation

The Faculty Rights and Responsibilities Committee shall act pursuant to their powers provided in *UWM Policies and Procedures* 5.41 through and 5.45. The investigation must commence within 30 days of the date upon which the report of the preliminary inquiry was filed. The investigation must be completed, disciplinary action recommended, and report filed with the funding agency (if required) within 120 days of commencement.

(1) Any member of the Faculty Rights and Responsibilities Committee who may have a conflict of interest, either real or apparent, shall not participate in any way in the case.

(2) In conducting any investigation and hearing, the Faculty Rights and Responsibilities Committee shall secure the necessary expert testimony as appropriate to conduct a thorough and authoritative evaluation of the relevant evidence.

G. Report of Investigation, Findings, and Recommendation by Faculty Rights and Responsibilities Committee

A written report shall be prepared, and promptly transmitted to the Chancellor, per *UWM Policies and Procedures* 5.45(5). A copy of this report shall be given to the accused, and the accused shall have the right to make written objections on the record, per *UWM Policies and Procedures* 5.46 (1) and (2).

IV. DEAN'S ADMINISTRATIVE PREROGATIVE

During the course of any inquiry or investigation, the Dean shall have the prerogative to take interim administrative actions, as appropriate, to protect Federal funds and insure that the purposes of the Federal financial assistance are protected.

V. REPORTING REQUIREMENTS

A. Public Health Service Grants

1. Any time it becomes apparent that any one of the following circumstances exists, the Dean is required to report such circumstances to the funding agency:
a) when a preliminary inquiry indicates that an investigation is warranted;
b) when there is an immediate health hazard;
c) when there is an immediate need to protect Federal funds or equipment;
d) when there is an immediate need to protect the interests of the accuser(s) or the accused; or
e) when it is probable that the allegations will be reported publicly.

2. Whenever there is reasonable cause to believe that criminal violations have occurred, the Dean is required to report such to the funding agency within 24 hours of receipt of the information supporting such belief.

B. National Science Foundation Grants

Any time it becomes apparent that an allegation of misconduct warrants an investigation (as defined in I.D., above), the Dean is required to report that conclusion to the funding agency.

C. Grants from Other Extramural Agencies

Regulations and requirements for reporting research misconduct to other extramural funding sources will be incorporated into this policy, as they are announced by the agency.