

Approved by Deans' Council, May 30, 2000

POLICY AND PROCEDURES FOR ALLEGATIONS OF MISCONDUCT IN SCHOLARLY WORK

GENERAL

These policies and procedures apply to all Rowan University employees and students in the performance of scholarly and creative activity and research connected with or in association with the University, or as part of or in association with the responsibilities and incidents of their appointment.

DEFINITIONS

1. *Days* shall mean calendar days, excluding Saturday, Sunday and days when Rowan University is officially closed.
2. *Faculty Member* as used in this document shall include any person subject to this policy and set of procedures, including faculty, staff, and student workers involved in research, scholarly writing, and/or the creation of works of art.
3. *Scholarly Misconduct*—the definition which follows immediately is hereby adopted for the purpose of these procedures, provided, however, that no one shall be deemed to have engaged in such misconduct unless it is determined by a preponderance of all relevant evidence that the conduct in question was done intentionally. Honest errors of omission or commission do not constitute scholarly misconduct.

Scholarly misconduct is defined as fabrication, falsification, plagiarism, or other practices that seriously deviate from those commonly accepted within the research, scientific, and higher education communities for proposing, conducting, or reporting on scholarly and creative works. It does not include honest errors or honest differences in interpretations or judgments of data. Also included in this definition is retaliation of any kind against a person who, acting in good faith, reported or provided information about suspected or illegal misconduct.

4. *Investigation*—an investigation is a formal examination and evaluation of relevant facts to determine whether or not misconduct has taken place.

ALLEGATIONS OF SCHOLARLY MISCONDUCT

1. An allegation of scholarly misconduct must be in writing and signed. Anonymous or confidential complaints are not a basis to initiate an inquiry.
2. Allegations of scholarly misconduct must be delivered to the provost.
3. Any person making an allegation must be willing to support the allegation, when requested, before University officials and such committees as may be appointed under these procedures.
4. The provost shall appoint a Committee of Investigation to consider a written and signed allegation of scholarly misconduct if, in his/her opinion, the allegation is not frivolous.
5. In the event the provost determines to appoint a Committee of Investigation, the accused faculty member shall be informed in writing of the existence and nature of the complaint.

COMMITTEE OF INVESTIGATION

1. If the provost determines there is a reasonable basis to believe that an act of scholarly misconduct may have occurred, a Committee of Investigation shall be appointed to thoroughly investigate the allegation. The accused faculty member shall be informed of the matter(s) to be investigated.
2. The Committee of Investigation shall consist of three Rowan University tenured faculty or staff members of equal or senior rank to the accused and of the same or allied discipline. No one whose personal or professional interests may be involved should be selected for the committee. The process for appointing these individuals follows immediately:
 - a. The provost shall develop a list of potential committee members of at least ten Rowan University faculty or staff, equal or senior to the accused in rank, and of the same or allied discipline of the accused.
 - b. The accused faculty member shall be extended the option to strike two persons from the list. The person making the allegation(s) shall be extended the same privilege.
 - c. The provost shall appoint the committee from the remaining names. Generally, the committee consists of three members and two alternates.
3. The responsibility of the committee shall be to undertake a thorough analysis of the allegation, to obtain all reasonably available information which it believes relevant to the charges, and to reach a conclusion based on the investigation. The committee shall conduct the investigation in the manner it believes to be most conducive to obtaining and evaluating relevant and probative information. As part of the investigation, the committee may or may not determine to conduct informal hearings necessary to accomplish its duties. In all cases, the accused faculty member and the person making the complaint shall be given the opportunity to meet with the committee to discuss the matter and answer questions. The committee shall reach a conclusion as to the truth or falsity of the allegation(s). No determination of scholarly misconduct shall be made unless a majority of the committee find it to be supported by a

preponderance of the credible evidence. In all matters regarding the activities of the Committee of Investigation, the accused has the right to representation, including representation from the bargaining unit.

4. Consistent with fulfilling its responsibilities, the committee shall endeavor to maintain strict confidentiality in the performance of its activities.
5. The committee shall prepare for the provost a confidential written report of its investigation, including a summary of the evidence, findings, and conclusions. The report, which is advisory, shall also contain specific recommendations consonant with the nature of its determination. The report shall be submitted to the provost within 120 days of the appointment of the Committee of Investigation unless, for reasons of fairness or completeness, the committee is granted permission by the provost to extend the investigation.
6. Upon receipt of the committee's report, the provost may ask the committee to undertake such additional investigation as he/she believes necessary.
7. The committee shall keep such confidential notes or other record of its investigation as it believes reasonable to chronicle its activities and findings. These shall be made available to the provost.
8. Upon receipt of the final conclusions of the committee, the provost shall notify the president of the University of the actions which he/she plans to take based upon the findings.
9. Upon receipt of the approval of the president, the provost shall immediately inform the accused faculty member, in writing, of the conclusions and intended action.

DISPOSITION BY THE PROVOST

1. If, upon consideration of the report of the Committee of Investigation, the provost believes an act of scholarly misconduct is supported by a preponderance of the credible evidence, disciplinary and/or administrative action shall be initiated.
2. If, upon consideration of the report of the Committee of Investigation, the provost believes an act of scholarly misconduct is not supported by a preponderance of the credible evidence, a public announcement may be made, where appropriate, with the concurrence of the innocently accused faculty member.

For more information, contact: Associate Provost for Research