

THE JOHNS HOPKINS
BLOOMBERG SCHOOL OF PUBLIC HEALTH

OFFICE OF THE DEAN

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POLICY AND PROCEDURE MEMORANDUM FACULTY – 7

SUBJECT: Scientific Misconduct

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Policy

The Bloomberg School of Public Health is dedicated to scientific integrity and expects all faculty, students, and staff to share this dedication. All allegations of scientific misconduct need to be taken seriously to ensure that scientific integrity is upheld. The School defines scientific misconduct as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest error or honest differences in interpretation of data.

The following procedures provide for the fair and timely resolution of allegations of scientific misconduct, with an emphasis on the need for protections for the complainant, respondent, and all witnesses involved in allegations of scientific misconduct. These procedures are formulated under federal regulations (Public Health Service (PHS) Policies on Research Misconduct [42 CFR Part 93]) and University policy. They are applicable to all allegations of scientific misconduct, regardless of funding source and apply to all faculty, students, and staff involved in potential incidents of scientific misconduct.

Definitions

Scientific misconduct: fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest error or honest differences in interpretation of data.

Fabrication: the making up of data or results and recording or reporting them

Falsification: 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

Plagiarism: the appropriation of another person's ideas, processes, results, or words without giving appropriate credit

Allegation: disclosure of possible scientific misconduct through any means of communication

Complainant: person who in good faith makes an allegation of scientific misconduct

Inquiry: initial fact-finding to determine whether an allegation of scientific misconduct warrants an investigation

Investigation: formal examination and evaluation of all relevant facts to determine if scientific misconduct has occurred

Respondent: person against whom an allegation of scientific misconduct is directed

Procedures

I. Reporting Allegations of Scientific Misconduct

- A. All faculty, students, and staff of the School have an obligation to report suspected scientific misconduct to their department chair or to the Associate Dean for Research. Department chairs should forward all allegations of scientific misconduct to the Associate Dean for Research. The Associate Dean for Research will evaluate whether the allegation falls within the definition of scientific misconduct and whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. In cases in which the Associate Dean for Research is suspected to be involved in the scientific misconduct, allegations of scientific misconduct should be forwarded to the Senior Associate Dean for Academic Affairs.
- B. Individuals who in good faith bring forth allegations of scientific misconduct will be protected from retaliation.
- C. Allegations of scientific misconduct from sources external to the School should be forwarded to the Associate Dean for Research.

II. General Procedures – Applicable to both the Inquiry and Investigation

- A. Prior to conducting an Inquiry and afterward as information is developed through the Inquiry and Investigation, all relevant materials and documents, including laboratory data books and electronic research data, must be sequestered in the

Office of the Dean or in another secure location. The respondent shall be given copies of or reasonable access to the sequestered materials.

- B. Persons appointed to conduct an Inquiry or Investigation must be unbiased and free of any conflict of interest.
- C. Persons involved in the activities of Inquiries and/or Investigations must maintain confidentiality to protect both the respondent and complainant to the maximum extent, consistent with the obligations under this procedure. Therefore, only those individuals that have a need to know should be involved in resolving allegations of scientific misconduct. Records of allegations, evidence, and proceedings will be kept by the Dean in a sequestered file.
- D. Since it is intended that all stages of this procedure be conducted in the spirit of peer review, no respondent and no complainant may appear before an inquiring or investigating body with legal counsel. The respondent or complainant may appear before an inquiring or investigating body with a representative who is a member of the full-time faculty of the Bloomberg School of Public Health. The School firmly believes that duly constituted boards and committees of the faculty should be free to meet directly with their colleagues on the business of the School without presence of legal counsel.
- E. If at any stage of the Inquiry or Investigation, it is determined that any of the following conditions exist, the Dean will notify the sponsor (for example, in the case of federal funds, the Office of Research Integrity, U.S. Department of Health and Human Services):
 - 1. where there is a health or safety risk to the public, including an immediate need to protect human or animal subjects;
 - 2. where sponsor resources or interests are threatened;
 - 3. where there is an immediate need to protect the interests of those involved in the scientific misconduct proceeding;
 - 4. where there are reasonable grounds to believe that the scientific misconduct proceeding may be made public prematurely;
 - 5. where the research community or public should be informed;
 - 6. where research conditions should be suspended.

In the event that information obtained appears to present the possibility that a criminal act or a violation of civil law may have occurred, such information shall be immediately forwarded to the Office of the General Counsel which will assume responsibility for prompt notification of the appropriate federal and state authorities, including the Office of Research Integrity, if applicable.

- F. At any stage of the Inquiry or Investigation, the Dean may take steps to notify other parties who, in his judgment or as required by law, should be informed of

the on-going proceedings or its conclusion, and whether interim administrative action is necessary to protect any funding or governmental or public interest.

III. The Inquiry

- A. If, after evaluation, the Associate Dean for Research determines that an allegation of scientific misconduct warrants an inquiry, the Associate Dean for Research will appoint an Inquiry Committee to be composed of two or more members of the Committee on Professional Conduct. The Committee on Professional Conduct is a standing committee of the School to be composed of nine full professors; at least four departments should be represented and no more than one department chair can serve on the committee at any one time. The Associate Dean for Research is to be a non-voting member of the Committee on Professional Conduct.
- B. The purpose of an Inquiry is to conduct an initial review of the evidence to determine whether there is sufficient evidence to warrant an Investigation. Inquiries generally involve fewer people and are less formal than Investigations. Any member of the Committee on Professional Conduct with a personal interest in the outcome of the allegation is required to abstain from the Committee on Professional Conduct's deliberations. The Inquiry must be initiated immediately and must be completed within 60 days of the allegation by the complainant, unless circumstances require a longer period. If the Inquiry is not completed within 60 days, the reasons for extending the period for completing the Inquiry must be documented.
- C. The respondent and the complainant must be notified verbally and in writing (not electronic) at the time an Inquiry is initiated.
- D. The Inquiry Committee may secure the assistance of experts from within or outside the University to assist in the examination and evaluation of data.
- E. At the conclusion of an Inquiry, the Inquiry Committee must write an Inquiry Report and submit it to the Committee on Professional Conduct. The report must include (1) the name and position of the respondent, (2) a description of the allegations of scientific misconduct, (3) for PHS-sponsored research, the PHS support, including, for example, grant numbers, grant applications, contracts, and publications listing PHS support, and (4) the evidence reviewed, interview summaries, conclusions of the Inquiry and the basis for those conclusions.
- F. The respondent and the complainant shall be entitled to a copy of the draft inquiry report and must be given reasonable opportunity and time (up to 15 days) to comment on the allegations and the findings of the Inquiry Committee as stated in the draft Inquiry Report. The final Inquiry report shall take into account the respondent's and the complainant's comments. All comments must be attached to the final Inquiry report. The Inquiry report must be maintained by the Bloomberg School of Public Health. The respondent and complainant shall be entitled to a copy of the final report.

- G. If the Inquiry Committee finds the allegations to be unsubstantiated and lacking in merit, the Committee must document its reasoning in its Inquiry report. If the complainant is dissatisfied with this decision, he or she may bring the matter to the attention of the Provost of the University within ten days of notification of the decision. Review by the Provost shall be limited to the adequacy of the procedures followed and appropriateness of the actions taken.

IV. The Investigation

- A. If the Inquiry Committee finds the allegation merits further investigation, the Committee on Professional Conduct will appoint an Ad Hoc Investigative Committee, the purpose of which is to conduct an Investigation. The Investigation Committee is to be chaired by a member of the Committee on Professional Conduct and is to have no fewer than four members, none of whom may have a primary appointment in the department of the respondent or otherwise have a personal interest in the outcome of the Investigation. No more than two members of the Committee on Professional Conduct may serve on the Investigative Committee. At least two members of the Investigative Committee must have the necessary scientific expertise to carry out a thorough investigation. The investigation must begin within 30 days of the completion of the Inquiry and a good faith effort must be put forth to complete the investigation within 120 days.
- B. The respondent and complainant must be notified in writing (not electronic) prior to the initiation of an Investigation. For PHS-sponsored research, the Office of Research Integrity (ORI) must be notified on or before the date in which an investigation begins.
- C. The Investigative Committee shall meet with the respondent and complainant in the course of its Investigation unless circumstances are such as to preclude the feasibility of personal meetings. The Investigative Committee shall afford each interested party a full opportunity to furnish explanations, respond to questions, examine questioned documents, and submit relevant documentation for the Investigative Committee's examination.
- D. The Investigative Committee may secure the assistance of experts from within or outside the University to assist in the examination and evaluation of data.
- E. All members of the University community are expected to render their full cooperation to the work of the Committee on Professional Conduct and the Investigative Committee and to expedite responses to them.
- F. The Investigative Committee shall record its meetings with interested persons and those appearing before the Investigative Committee, but minutes need not be kept of Investigative Committee deliberations.
- G. The Investigative Committee determines by majority vote if an allegation of scientific misconduct is substantiated and submits a report to that effect to the full

Committee on Professional Conduct, the respondent, and the complainant. To make a finding of scientific misconduct, the majority of the Investigative Committee must find by a preponderance of the evidence that an act of scientific misconduct occurred, that it represented a significant departure from the accepted practices of the scientific community, and that it was committed intentionally, knowingly, or recklessly. Dissenting members of the Investigative Committee may also submit a minority report.

The Investigative Committee's majority report must include:

1. the nature of the allegations of scientific misconduct and a description of the specific allegations of scientific misconduct for consideration in the investigation
2. for PHS-sponsored research, documentation of the PHS support, including any grant numbers, grant applications, contracts, and publications listing PHS support
3. the policies and procedures under which the investigation was conducted
4. a summary of the research records and evidence reviewed and the identification of any evidence taken into custody but not reviewed
5. for each separate allegation, a finding as to whether scientific misconduct occurred. If a finding that scientific misconduct occurred is made, the report should:
 - a) identify whether the scientific misconduct was falsification, fabrication, or plagiarism
 - b) summarize the facts and analysis which support such a finding
 - c) identify the specific PHS support, if applicable
 - d) identify whether any publications need correction or retraction
 - e) identify the person(s) responsible for the scientific misconduct
 - f) list any current support or known applications or proposals for support that the respondent has pending with any non-PHS federal agencies

The respondent and the complainant shall be entitled to a copy of the draft of the Investigative Committee's report and must be given reasonable opportunity and time (up to 15 days) to comment on the findings of the Investigative Committee's report. The final report shall take into account the comments received.

The Committee on Professional Conduct shall review the report of the Investigative Committee together with comments thereon submitted by any interested party, and may approve or reject, in whole or in part, the report. When it deems necessary, the Committee on Professional Conduct may return the matter to the Investigative Committee for further inquiry, deliberations, and recommendations. The Investigative Committee's further or revised report shall

be submitted to the Committee on Professional Conduct for its review. The Committee on Professional Conduct shall transmit the report(s) of the Investigative Committee to the Dean with its own statement of concurrence or dissent, and its own recommendations for penalties and remedial action, if any. The respondent and the complainant shall be given a copy of the final report submitted to the Dean.

V. Post-Investigation

- A. Disciplinary actions taken as a result of a finding that scientific misconduct has occurred will be determined by the Dean.
- B. The disposition by the Investigative Committee and Committee on Professional Conduct of an allegation of scientific misconduct and the disciplinary actions determined by the Dean may be appealed by the respondent to the Provost, whose decision shall be final. An appeal to the Provost may be made within fourteen days after the person(s) receive notice of the Dean's decision. Review by the Provost shall be limited to the adequacy of the procedures followed and appropriateness of the actions taken.
- C. If the allegation of scientific misconduct is not substantiated by the Investigative Committee and Committee on Professional Conduct, the complainant may appeal to the Provost, whose decision will be final. An appeal to the Provost may be made within fourteen days after the complainant receives notice that the allegation of scientific misconduct has not been substantiated. Review by the Provost shall be limited to the adequacy of the procedures followed and appropriateness of the actions taken.
- D. Where the final decision of the School/University exonerates the respondent, appropriate action(s) by the Dean should be taken to restore the reputation of the respondent.
- E. When it is deemed necessary, the Dean shall take appropriate actions to protect and restore the reputation of any complainant, witness, or committee member and to counter potential or actual retaliation against any complainant, witness, or committee member.
- F. The School will periodically disseminate and publicize the policies and procedures relating to scientific misconduct, as well as the names of members of the Committee on Professional Conduct.
- G. This procedure for the resolution of allegations of scientific misconduct is the exclusive mechanism with the School for adjudication of questions of this nature. A person determined to have committed scientific misconduct may not invoke the School's grievance procedure in an effort to gain a readjudication of the charge.