



UNIVERSITY SYSTEM OF MARYLAND

III-1.10 - POLICY ON MISCONDUCT IN SCHOLARLY WORK

(Approved by the Board of Regents, November 30, 1989; Technical amendments by the Board, December 12, 2014)

I. POLICY

The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in science, in scholarship and in institutions of higher education. The University System of Maryland expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. The USM considers misconduct in scholarly work by any of its employees a breach of contract. Accordingly:

- A. It is the policy of the University System of Maryland to maintain high ethical standards in science and other scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and to resolve instances of alleged or apparent misconduct.
- B. It is the policy of the University System of Maryland to terminate the employment and/or to take other disciplinary action against any individual found guilty of misconduct.
- C. It is the policy of the University System of Maryland to award no degree if misconduct in science or other scholarly work contributed to that degree, and when warranted, to revoke such a degree if misconduct is discovered after its award.

II. PURPOSE

This policy is the basis for University System of Maryland and practices designed to instill and to promote the principles of professional integrity, to prevent scholarly misconduct, and to discover and to censure instances of misconduct when they occur. In accordance with this policy, each institution in the System must prepare, implement and publicize policies and procedures appropriate for its unique organization and administration.

The policy applies primarily to faculty, staff, and student research, scholarly writing, and the creation of works of art. It is not intended to address issues, such as the conduct of students in examinations and in fulfilling course requirements, which are covered by other policies.

GUIDELINES FOR POLICIES AND PROCEDURES RELATING TO ALLEGATIONS OF MISCONDUCT IN SCHOLARLY WORK

I. PURPOSE

It is the purpose of these guidelines to provide institutions in the University System of Maryland a framework for policies, procedures, and practices designed to instill and promote the principles of professional integrity, to prevent scholarly misconduct, and to discover and censure instances of misconduct when they occur. Using these guidelines, each institution in the System must prepare, implement and publicize policies and procedures appropriate for its unique organization and administration.

These guidelines apply primarily to faculty, staff, and student research, scholarly writing, and the creation of works of art. They are not intended to address issues, such as the conduct of students in examination and in fulfilling course requirements, which are covered by other policies. Neither are they intended to fully address compliance with laws and regulations. These guidelines address compliance only to the extent that it relates to academic integrity.

II. POLICY

The inherent requirement for integrity in the quest for knowledge and in the creation of scholarly and artistic works is fundamental to the academic purpose. Deviations from the proper conduct of scholarly work erode the public's confidence in scholarship and in institutions of higher education. The University System of Maryland expects that the highest ethical standards as well as compliance with public laws and regulations will prevail in the conduct of its activities. The University System considers misconduct in scholarly work by any of its employees a breach of contract. Accordingly, institutional policies should include the following statements:

- A. It is the policy of the University System of Maryland to maintain high ethical standards in scholarly work, to prevent misconduct where possible, and promptly and fairly to evaluate and resolve instances of alleged or apparent misconduct.
- B. It is the policy of the University System of Maryland to terminate the employment and/or to take other disciplinary action against any individual found guilty of misconduct.
- C. It is the policy of the University System of Maryland to award no degree if misconduct in scholarly work contributed to that degree, and to revoke such a degree if misconduct is discovered after its award.

III. PROMOTION OF PROFESSIONAL INTEGRITY

The policies and procedures for each institution must provide for periodic evaluations of procedures and practices that teach and promote integrity in scholarly work, as well as those practices that may inadvertently provide incentives for misconduct. Evaluations should include, but need not be limited to:

- A. Policies that fix responsibilities for the conduct of research and other scholarly work and that assure adequate supervision or oversight of students and academic or research teams.
- B. Institutional policies regarding authorship and the acceptance of full responsibility for the work published.
- C. Institutional practices regarding authorship as a criterion for promotion.
- D. Practices that foster openness and enhance awareness and recognition of ethical issues and of responsibilities in the conduct of scholarly work.
- E. Practices that assure adequate orientation of students to ethical issues in academic pursuits and to acceptable techniques in data gathering, record keeping and reporting.
- F. Institutional practices and requirements in regard to recording, retention, and storage of data.

IV. MISCONDUCT IN SCHOLARLY WORK

- A. It should be emphasized that reporting misconduct in scholarly work is a responsibility shared by everyone at the institution. However, frivolous, mischievous or malicious misrepresentation in alleging misconduct will not be tolerated.
- B. Misconduct in scholarly work may take many forms; these guidelines apply, but are not limited to, the following examples of misconduct.
 - 1. Falsification of data. Ranging from fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with the intent to falsify results.
 - 2. Improper experimental manipulation. For example, manipulating experiments to obtain biased data.
 - 3. Plagiarism. For example, taking credit for an exact copy or the rewritten or rearranged work of another.
 - 4. Improper assignment of credit. For example, insufficiently or knowingly not citing the work of others, including associates and students, or inadequately identifying the repetition of data or material that appears in more than one publication.

5. Abuse of confidentiality. For example, improper use of information gained by privileged access, such as information obtained through service on peer review panels and editorial boards.
6. Deliberate violation of regulations. For example, failure to comply with regulations concerning the use of human subjects, the care of animals, or health and safety of individuals and the environment.
7. Misappropriation of funds or resources. For example, the misuse of funds for personal gain.

V. HANDLING ALLEGATION OF MISCONDUCT

- A. Allegations of misconduct in scholarly work may come from various sources within and without the institution. It is important that allegations of misconduct be handled expeditiously and that no serious allegations go unheeded. Consequently, each campus must develop specific procedures that define how allegations will be evaluated, what levels of administration will be involved, and what actions will be taken as the result of evaluating an allegation of misconduct.
- B. No decisions regarding the seriousness of an allegation of misconduct should be made by anyone whose personal or professional interests may be involved. Thus, although an allegation may first be reported to a collaborator, a co-worker, a co-author, a faculty advisor, or a team leader, such a close associate must report the allegation to a designated senior official for further action.
- C. The purpose of the evaluation of an allegation is to determine whether there is or is not substantial basis to believe that scholarly misconduct has occurred, and whether formal discharge proceedings or other action with respect to the individual's employment is warranted.
- D. The evaluation of an allegation should be kept confidential to the extent possible. Until a conclusion is reached, (i.e., the fact-finding process results in a judgment that there is or is not substance to the allegation) information about the allegation and about the evaluation should be made available only to those who need to know. Generally, those who need to know include the accused, individuals who can provide pertinent information or expert opinions, those conducting the evaluation, and appropriate institutional officials. Thus, institutional procedures should identify levels of administration that need to know. The procedures should identify administrative levels at which evaluations will be conducted, as well as levels at which actions will be taken at the conclusion of evaluations.
- E. All serious allegations of misconduct must be evaluated first by an inquiry, and then, if the inquiry so indicates, by an investigation. The accused must be notified in

writing when an inquiry into an allegation of misconduct is being initiated and again when an investigation is being initiated.

1. Inquiry

- a. An inquiry into an allegation of misconduct should be made by a small committee appointed by the director or president of the institution, or by the director's or the president's designee.
- b. The purpose of an inquiry is to determine whether there is sufficient basis for the allegation to warrant a full investigation. Thus an inquiry need not seek all the relevant information or documentation.
- c. An inquiry may be conducted informally, although records of its findings should be kept to justify its recommendations, and, if no investigation is recommended, to indicate
- d. Institutional procedures should indicate which official should receive and act upon the report of the committee of inquiry. If no investigation is initiated, that official must take appropriate action as indicated under Section VI.B, below. If an investigation is to be initiated, the official shall take or recommend whatever steps are necessary to protect the health and safety of research subjects, students, and colleagues.
- e. Any respondent in an inquiry is required to cooperate in furnishing materials and responding to questions.

2. Investigation

- a. An investigation should be initiated as soon as possible after an inquiry indicates the need. It should be conducted by a special committee appointed by the institutional official indicated in Section V E.1.d. above. Its membership should be specifically chosen to evaluate the particular allegations under consideration. At least one member should be an individual not primarily associated with the institution.
- b. The committee may hold hearings and should have the authority, responsibility and resources to collect and consider all of the evidence relevant to the allegation. It should be charged with obtaining expert opinions, if necessary to reach firm conclusions, and to do so by seeking the advice of external experts if that is required to avoid conflicts of interest, or for other appropriate reasons. An investigation must be thorough. It must obtain sufficient evidence to permit the committee to reach a firm decision about the validity of the allegation, or to be sure that further investigation could not alter an inconclusive result.

- c. An investigating committee should also be charged with recommending specific actions appropriate for the seriousness of its findings. These recommendations should address actions to restore damaged reputations if indicated and should identify specific retractions, disclaimers and announcements necessary to set the record straight. The committee may recommend sanctions if wrongdoing is confirmed.
- d. If the alleged misconduct involves the performance of research or other scholarly work supported by an external sponsor, the institution must inform the sponsor when an investigation is initiated. The notification should provide sufficient information to satisfy the institution's obligations to the sponsor, but in the interest of protecting reputations that might be unjustly damaged, a detailed report should await the final outcome of the investigation.
- e. An investigation, once begun, must result in a report to the official cited in Section V E.1.d. above, whether or not the individual remains at the institution.

VI. INSTITUTIONAL ACTIONS

- A. At the conclusion of evaluating an allegation of misconduct in scholarly work, the official indicated in Section V E.1.d. above, acting on behalf of the institution must take all actions appropriate for the findings.
- B. If misconduct is not confirmed, the person found innocent must be notified promptly. The institution must consider whether a public announcement will be harmful or beneficial in restoring any reputation(s) that may have been damaged. Usually, that decision should rest with the innocently accused. The institution must take disciplinary action when an allegation is found to be mischievous. The institution may find it necessary to reprimand lax supervision, faulty techniques, or inattention to propriety even when willful misconduct is not established.
- C. If misconduct is established, the institution must take action appropriate for the seriousness of the misconduct. If formal termination proceedings are instituted, such proceedings must be in accordance with System and institutional termination policies and procedures. In addition to appropriate sanctions, the institution must do everything it can to set the record straight. This may take the form of public announcements, published retractions and disassociations with published papers, and full reports to external sponsors.

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