

RESEARCH MISCONDUCT POLICY

I. Policy Statement

Bentley University maintains high ethical standards for research and other scholarly activities. Efforts are made to prevent misconduct and procedures are in place to enable us to quickly and effectively investigate and resolve allegations of misconduct. These policies will apply to claims of research fraud/misconduct that arise under federal grants, but may, depending on the nature of the claims, be used in other contexts.

All University community members are expected to uphold the University's commitment to the ethical pursuit of research and scholarly work and to report concerns of suspected Research Misconduct. Misconduct in research not only harms the individual(s) involved but also damages the public trust, the University's research, and its scholarly community.

Bentley University responds to Allegations of Research Misconduct in a fair, competent, and thorough manner that is in compliance with regulatory guidelines.

II. Scope & Audience

This policy applies to Allegations of Research Misconduct involving individuals engaged in proposing, performing, reviewing, or reporting research at, or on behalf of, the University.

Individuals subject to this policy include any person paid by, subject to the rules and policies of, or affiliated with the University including scientists, trainees, technicians and other staff members, students, fellows, visiting scholars, or other collaborators. Allegations of Research Misconduct involving student Respondents will be reviewed by the Research Integrity Officer (RIO) and the appropriate Vice President(s) to determine whether the Allegations should be processed under this policy or referred to the Office of Academic Integrity.

When external funding is involved, the University will comply with any additional requirements pursuant to the relevant funding agency's policies or regulations (such as Public Health Service regulations issued by the U.S. Department of Health and Human Services, 42 CFR Part 93).

This policy applies to suspected Research Misconduct that has occurred within six years of the Allegation date, subject to the subsequent use, health or safety of the public, and grandfather exceptions outlined in 42 CFR Part 93.105(b).

III. Definitions

Allegation of Research Misconduct:

A disclosure of possible research misconduct through any means of communication.

Complainant:

The person(s) who in good faith makes an allegation of research misconduct.

Conflict of Interest:

The real or apparent interference of one person's interests with the interests of another person or entity, where potential bias may occur due to prior, existing, or future personal, professional, or financial relationships.

Evidence:

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.

Good Faith:

Good faith 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. Good faith 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 an institution meet its responsibilities under this part. 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.

Inquiry:

Initial fact-finding, such as through individual interviews and document reviews, to determine whether an Allegation of Research Misconduct warrants an Investigation.

Investigation:

The formal development of a factual record and the examination of that record leading to a decision whether Research Misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.

Preponderance of the Evidence:

Proof by credible information that, leads to the conclusion that the allegation at issue is more probably true than false. In the case of research misconduct, a weighing of the credible evidence leads the factfinder to the conclusion that it is more likely than not that research misconduct occurred.

Research Integrity Officer (RIO):

The institutional official, appointed by the Provost, who is responsible for receiving Allegations of Research Misconduct and overseeing the Research Misconduct process in accordance with the University's policies and procedures.

Research Record:

Any data, document, computer or cloud storage file, digital storage device, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, and/or reported research that constitutes the subject of an Allegation of Research Misconduct. A Research Record includes, but is not limited to, grant or contract

applications, whether funded or unfunded; progress reports, abstracts, theses, oral presentations, internal reports, journal articles, laboratory notebooks; notes; correspondence; videos; photographs; x-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; human and animal subject protocols; consent forms; And any documents and materials provided to an institutional official by a respondent in the course of the research misconduct proceeding.

Respondent:

The person(s) against whom an Allegation of Research Misconduct is directed or who is the subject of a Research Misconduct proceeding. .

Retaliation:

An adverse action that affects the employment or institutional status of the Complainant, a witness, or other individual by the University or one of its members in response to:

- a. A good-faith Allegation of Research Misconduct; or
- b. Good-faith cooperation with a Research Misconduct proceeding.

Research Misconduct:

As per 42 CFR §93.103, Research Misconduct means fabrication, falsification, or plagiarism in proposing, performing or reviewing research, or in reporting research results. An essential element is intent to deceive. Intent is the knowing and purposeful act to deceive or the reckless indifference as to whether the information may be false, fabricated, or plagiarized.

- **Fabrication** is the making up of data or results and recording or reporting them.
- **Falsification** is manipulating research materials, equipment, or processes, or changing or omitting data results such that the research is not accurately represented in the research record.
- **Plagiarism** is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research Misconduct does not include honest error or difference of opinion.

IV. Contacts

Research Integrity Officer:

Susan Richman, Director of Sponsored Programs

srichman@bentley.edu; 781-891-2660

V. Responsibilities & Procedures

A. Reporting Misconduct

It is the responsibility of all employees or individuals associated with the University to report observed, suspected, or apparent Research Misconduct to the Research Integrity Officer (RIO). Allegations of

Research Misconduct can be submitted by a written or oral statement, and should include sufficient detail to support an initial assessment into whether an Inquiry is warranted. While reasonable efforts will be made to review and resolve anonymous Allegations of Research Misconduct; sufficient detail must be included to allow the RIO to assess the merit of the alleged misconduct.

B. Assessing Allegations of Misconduct

Promptly after receiving an Allegation of Research Misconduct, the RIO will determine—after consulting with the appropriate Vice Presidents(s) or their designees—whether an Inquiry into the Allegation of Research Misconduct is warranted. To proceed to an Inquiry, the RIO must conclude that: 1) the instance(s) of alleged misconduct fall within the definition of Research Misconduct as defined in this policy, and 2) the Allegation of Research Misconduct is sufficiently credible and specific such that potential evidence of Research Misconduct may be identified.

C. Confidentiality

Disclosure of the identity of Respondents and Complainants in Research Misconduct proceedings is limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective, and fair Research Misconduct proceeding as allowed by law.

In addition, confidentiality will be maintained for case records or evidence that may identify research subjects with disclosures limited to individuals with a need to know in order to carry out the Research Misconduct proceeding.

The Complainant, Respondent, and witnesses may disclose information to their legal counsel to the extent that the disclosure is necessary for the provision of legal advice. Unless otherwise required by law, the Complainant, Respondent, and witnesses may not make any other disclosures of information received during a Research Misconduct proceeding. Failure to comply with these guidelines may be subject to disciplinary action.

D. Deadlines

If a deadline defined in this policy falls on a Saturday, Sunday, or University holiday that deadline will be moved to the next working day.

E. Retaliation

The University will take real, practical steps to protect or restore the positions and reputations of good-faith Complainants, witnesses, and other participants who are subject to Retaliation.

F. Conducting the Inquiry

1. Initiation and Purpose of the Inquiry

The RIO will proceed with the Inquiry in a timely manner following the determination that an Inquiry is warranted. The purpose of the Inquiry is to determine whether an Investigation is warranted.

2. Notice to the Respondent & Other Individuals

Upon or before initiating the Inquiry, the RIO will make a good-faith effort to notify the Respondent in writing of the substance of the Allegation of Research Misconduct and the Inquiry's initiation. If, during

the course of the Inquiry, additional Respondents are identified, the RIO will notify them accordingly. At any time during the Research Misconduct process, the Respondent may consult with an advisor, which may include outside counsel, at the Respondent's own expense. The Respondent's advisor may attend any meeting at which the Respondent is present; however, the advisor's role will be limited to advising their client during any such meeting.

The RIO will also promptly notify the appropriate Vice President(s), Provost, Complainant, and the Respondent's dean (or their designee) and chair of the Inquiry's initiation.

3. Sequestration of Research Records

The University has a continuing obligation to ensure that it maintains adequate records for a Research Misconduct proceeding. The University will:

- (a) Either before or when the university notifies the respondent of the Allegation, Inquiry, or Investigation, promptly take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the Research Misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner in accordance with applicable State and Federal laws and regulations. Where appropriate, the Respondent may receive copies of or supervised access to any sequestered records if deemed appropriate by the RIO.
- (b) Undertake all reasonable and practical efforts to take custody of additional research records or evidence that is discovered during the course of a Research Misconduct proceeding.

4. Advice

The General Counsel and any legal counsel that may have been arranged through the General Counsel will be available throughout the Inquiry to advise the RIO and/or Provost as needed.

5. Inquiry Process and Determination

The RIO (or designee) with appropriate support will conduct the Inquiry, which will normally include interviews with the Complainant, Respondent, key witnesses, and examination of relevant documents. The RIO may enlist the assistance of anyone with appropriate technical expertise, selected in accordance with the procedures described in this document for establishing an Investigation committee, to examine the Research Record.

Following the interviews and examination of the Research Record, the RIO will determine—after consulting with the appropriate Vice Presidents and General Counsel (or their designees)—whether the Allegation of Research Misconduct is sufficient to warrant an Investigation. An Investigation is warranted if the Inquiry demonstrates: 1) there is a reasonable basis for concluding that the allegation falls within the definition of Research Misconduct; and 2) the preliminary information gathering and preliminary fact-finding from the inquiry indicates that the allegation may have substance.

The University will prepare a written draft Inquiry report that includes the following details:

- a. Complainant's name, title, and University affiliation;
- b. Respondent's name, title, and University affiliation;

- c. A description of the Allegations of Research Misconduct
- d. The funding source of the research that is part of the Allegation of Research Misconduct;
- e. A summary of the research records and evidence reviewed during the Inquiry; and
- f. The RIO's conclusion and rationale as to whether or not an Investigation is warranted.
- g. Any comments on the report by the Respondent or the Complainant

The RIO will provide the Respondent with a copy of the draft Inquiry report and may provide the Complainant with those portions of the draft report that address the Complainant's role and opinions. The Respondent or Complainant may submit written comments to the RIO within 10 days of receiving a copy of the draft report. The RIO will consider any written comments from the Respondent and Complainant to the draft Inquiry report and modify the report, as appropriate, prior to producing a final report.

The RIO will transmit the final Inquiry report, including any comments to the draft report from the Respondent or Complainant, to the appropriate Vice Presidents(s), the Provost, General Counsel, the Complainant, Respondent, and the Respondent's chair and dean (or their designee).

6. Time for Completion

The RIO will make every effort to complete the final Inquiry report within 60 days after initiating the Inquiry unless circumstances clearly warrant a longer period. The RIO may make a written extension request to the Provost outlining the reasons for an extension. The RIO's request and the Provost's decision regarding an extension will be recorded in the Inquiry file.

G. Conducting the Investigation

1. Initiation and Purpose of the Investigation

The RIO will begin the Investigation within 30 days of notifying the Provost that an Investigation is warranted.

The purpose of the Investigation is to explore the substance of the Allegation of Research Misconduct in detail and determine whether misconduct has occurred, by whom, and to what extent; and to determine whether there are additional instances of possible Research Misconduct that would justify broadening the scope of the Investigation.

2. Notice to the Respondent

In addition to providing the Respondent with the final Inquiry report, the RIO will also notify the Respondent in writing of any additional instances of possible Research Misconduct uncovered and pursued during the course of the Investigation. The RIO will also notify any additional Respondents in writing that may be identified.

3. Sequestration of Research Records

To the extent they have not already done so at the Allegation or Inquiry stage, the RIO must take all reasonable and practical steps to obtain custody of all Research Records and evidence needed to

conduct the Research Misconduct proceeding. These must be sequestered in a secure manner. The sequestration will occur before or at the time the Respondent is notified of the Investigation, whenever possible, and when additional items become known or relevant to the investigation. The Respondent may receive copies or supervised access to any sequestered records if deemed appropriate by the RIO.

4. Appointing the Investigation Committee

Within 15 days of initiating the Investigation, the RIO—after consulting with the appropriate Vice President(s) and the appropriate dean (or their designees)—will appoint up to 3 individuals, including a designated chair, to the Investigation committee. All committee members must have the necessary expertise to effectively interview the Complainant, Respondent, and other witnesses, and to evaluate the evidence and issues related to the alleged instances of Research Misconduct. Committee members may be scientists, subject matter experts, administrators, lawyers, or other qualified persons within or outside of the University. At least one panelist must be a Bentley faculty member. Members of the Investigation committee may have also assisted in the earlier Inquiry concerning the allegations.

All individuals responsible for carrying out any part of the research misconduct proceedings must not have unresolved personal, professional, or financial conflicts of interest with the Complainant, Respondent, or witnesses. The RIO will notify the Respondent of the proposed committee membership, and will provide the Respondent with 7 days to submit a written objection to any member due to real or apparent conflicts of interest. The RIO will determine—after consulting with the appropriate Vice President(s) and the appropriate dean (or their designees)—whether a conflict exists and, if so, replace the challenged member with a qualified alternate.

5. Investigation Committee Charge and First Meeting

The RIO will prepare a written charge to the committee that describes the substance of the Allegation of Research Misconduct and any related issues identified during the Inquiry, defines Research Misconduct, and identifies the Respondent. The committee is to evaluate the evidence and testimony of the Respondent, Complainant, and witnesses to determine whether, based upon a preponderance of the evidence, Research Misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The RIO shall provide the Complainant and Respondent a copy of the charge to the Investigation committee.

The RIO will convene the first meeting of the Investigation committee to review the charge, the Inquiry report, and the prescribed procedures and standards to conduct the Investigation, including the necessity for confidentiality and for developing a specific Investigation plan. The Investigation committee will be provided with a copy of this policy and any relevant funding regulations.

6. Investigation Process

The Investigation will normally involve the examination of all relevant information including, but not limited to, relevant Research Records, computer files, proposals, manuscripts, publications, correspondence, memoranda, and phone call or meeting notes. The committee should, interview the Complainant, Respondent, and any other available person who has reasonably been identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the Respondent, and record or transcribe each interview, provide the recording or transcript to the interviewees for correction, and include the recording or transcript in the record of the investigation.

7. Investigation Report and Opportunity to Comment

With the RIO's administrative assistance, the committee shall prepare a draft Investigation report for submission to the Provost that includes the following:

- a. Complainant's name, title, and University affiliation;
- b. Respondent's name, title, and University affiliation;
- c. Each committee member's name, title, and University affiliation;
- d. The specific instances of alleged Research Misconduct investigated;
- e. The funding source of the research that was investigated;
- f. The institutional policies and procedures under which the Investigation was conducted;
- g. A summary of the research records and evidence reviewed by the committee and a list of any evidence in custody that was not reviewed and why;
- h. For each separate allegation of research misconduct identified during the investigation, provide a finding as to whether research misconduct did or did not occur. A finding of Research Misconduct requires:
 - A significant departure from accepted practices of the relevant research community;
 - The misconduct be committed intentionally, knowingly, or recklessly; and
 - The allegation be proven by a preponderance of the evidence.
- i. A list identifying any publications that need to be corrected or retracted (with the expectation that the University will initiate the process of contacting impacted parties); and
- j. Any additional follow-up actions that may be necessary to correct the research or scholarly record.

The RIO will provide the Respondent with a copy of the draft Investigation report and copies of the evidence on which the report is based and, concurrently, a copy of, or supervised access to, the evidence on which the report is based. The RIO may also provide the Complainant with those portions of the draft Investigation report that address the Complainant's role and opinions. When providing the Respondent and Complainant with the draft Investigation report, the RIO will inform them of the confidentiality of the report and its contents. Within 30 days of receiving the draft Investigation report, the Respondent and Complainant may submit written comments regarding the report to the RIO.

The committee will consider any comments from the Respondent and Complainant to the draft Investigation report and modify the report, as appropriate, prior to producing a final report. Any comments by the Respondent or Complainant to the draft Investigation report will be attached to the final Investigation report.

The RIO will submit the committee's final report (with attached comments) to General Counsel for a review of its legal sufficiency prior to its submission to the Provost. The RIO may return the report to the

Investigation committee to consider any comments from the General Counsel and resubmit the report for a review of its legal sufficiency.

8. Investigation Decision and Notification

Following the General Counsel's approval of the Investigation report's sufficiency, the RIO will transmit the final report, the evidence reviewed, and any comments submitted by the Respondent and Complainant to the Provost and appropriate Vice President(s). The Provost will make the final determination about whether to accept, reject, or request additional analysis regarding the committee's Investigation report, findings, and recommended follow-up actions. If the Provost's determination differs from that of the Committee's, the Provost should provide an explanation that is consistent with the definition of Research Misconduct, the University's policies and procedures, and the evidence reviewed. The RIO will notify the Respondent and the Complainant in writing of the Provost's decision.

9. Time for Completion

The final report should be submitted to the Provost within 120 days of the Investigation committee's first meeting. Any extension of this period will be based on good cause, as determined by the RIO, and will be recorded in the Investigation file.

H. Final Actions

Following the Provost's determination, the Provost will also notify the appropriate Vice president(s) and the RIO in writing of any required follow-up actions. Such actions may include:

- a. Correcting the Research Record as prescribed in the Investigation report;
- b. Contacting the appropriate funding agency and ensuring institutional compliance with funding regulations;
- c. Referring the matter to the appropriate Vice President for any additional administrative actions within their purview; and/or
- d. Referring the Respondent for institutional disciplinary action.

The Provost's determination as to whether or not Research Misconduct has occurred constitutes the final decision regarding the case and cannot be reversed, appealed, or modified; however, any Respondent may grieve the institutional disciplinary actions resulting from the Research Misconduct proceedings.

If the Provost finds that the Respondent did not engage in Research Misconduct, the Respondent may request and receive appropriate assistance from the University in restoring the Respondent's reputation.

I. Records Retention

The RIO will secure and maintain all records from the Research Misconduct proceeding for a period of 7 years following the completion of the case in accordance with applicable State and Federal laws and regulations.

VI. Further Information

Questions regarding this policy may be directed to Mystica Alexander, Associate Provost for Academic Affairs, malexander@bentley.edu, Judith Malone, General Counsel, jmalone@bentley.edu, or Sue Richman, Director of Office of Sponsored Programs, srichman@bentley.edu.

VII. Related Information

[42 CFR Part 93](#)