

**POLICY AND PROCEDURE FOR
THE MAINTENANCE OF ETHICAL STANDARDS
IN THE CONDUCT OF RESEARCH**

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PREAMBLE TO MISCONDUCT POLICY

Adherence to ethical standards of practice and behavior in institutional activities is expected of all members of the Hampshire College community, whether they be faculty, students or staff members. Provisions exist to review instances where individuals may not have met these standards. A special case for considering allegations of misconduct arises in research projects which are supported by the United States Department of Health and Human Services, and by other agencies which have adopted special requirements for grantees when misconduct on the part of the project participants is alleged or confirmed. This policy is intended to identify steps to be taken when an allegation of misconduct is directed against any member of the College community who is a participant on a research project sponsored by Department of Health and Human Services (HHS) or other agencies requiring HHS procedures relative to misconduct.

**POLICY AND PROCEDURE FOR
THE MAINTENANCE OF HIGH ETHICAL STANDARDS
IN THE CONDUCT OF RESEARCH**

1.1 Definitions. Whenever used in this Policy, the following terms shall have the respective meanings set forth below unless otherwise expressly stated.

1.1.1 Associate Dean of the Faculty means the person responsible for the administration of this policy and its procedures.

1.1.2 Inquiry means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

1.1.3 Investigation means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

1.1.4 Misconduct or Misconduct in Science means (1) fabrication, falsification, plagiarism, or other serious deviation from accepted practices in proposing, carrying out, or reporting research; or (2) retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has not acted in bad faith.

1.1.5 ORI means the Office of Research Integrity, an independent office within the HHS, which oversees and directs the Public Health Service (PHS) research integrity efforts with the exception of the regulatory research activities of the Food and Drug Administration.

1.1.6 College means Hampshire College.

1.1.7 Working Days means days in which the College is in session (i.e., formally scheduled class days), excluding Saturdays, Sundays, and holidays officially recognized by the College.

II. STAGE ONE - REVELATION

2.1 Written Allegation.

Any member of the College community who becomes aware of an apparent instance of Misconduct or Misconduct in Science as defined in 1.1.4 (hereinafter referred to as Misconduct) has the responsibility to make a signed, written allegation detailing the Misconduct to the Associate Dean of the Faculty. Similarly, written allegations from anyone outside the College community should be forwarded to the Associate Dean.

2.2 Responsibility of Associate Dean of the Faculty.

2.2.1 The Associate Dean shall review the written allegation to determine whether the alleged Misconduct should be investigated under this Policy or pursuant to other College policies dealing with improprieties whether or not in research or scholarship.

2.2.2 If the Associate Dean determines that the alleged Misconduct should be reviewed under the procedures of this Policy, then the Associate Dean shall start the Inquiry process detailed in Article III.

2.2.3 If the Associate Dean determines that the alleged misconduct should be reviewed under other College policies, then the Associate Dean shall forward the written allegation to the appropriate individual or committee.

2.2.4 The Associate Dean is not to attempt to make any determination of the validity of the allegation, and the Associate Dean is solely responsible to direct the written allegation to the appropriate individual or Committee.

2.3 Written Notice.

The Associate Dean shall send written notice of the decision to the accuser, accused and the Dean of the Faculty.

2.4 Time Limit.

The Associate Dean shall make the decision and send the written notices on or before ten (10) working days from the first date upon which he or she personally receives the written allegation.

III. STAGE TWO - INQUIRY

3.1 Dean of the Faculty's Responsibility.

Within ten (10) working days from the date upon which the Dean of the Faculty first received written notice from the Associate Dean stating the written allegations should be reviewed under this Policy, the Dean of the Faculty shall appoint and convene a panel to serve as the Board of Inquiry.

3.2 Board of Inquiry.

3.2.1 The Board of Inquiry (Board) shall consist of three individuals: (1) a representative of the Dean of the Faculty, (2) a College faculty member or Administrator from the school or administrative unit of the accused, and (3) a College faculty member or Administrator from outside the school or administrative unit of the accused. The Associate Dean shall serve as an administrative representative and Secretary to the Board. The Associate Dean shall not vote on any issue confronting the Board.

3.2.2 The Board shall select a Chairperson within five (5) working days from the date on which the Board was appointed.

3.3 Procedures.

3.3.1 The Board will examine the documentation and other information it deems pertinent to the case. The Board will do this by receiving statements from the involved parties and anyone else the Board believes may be able to provide relevant information.

3.3.2 The involved parties (the accused and the accuser) shall have the right to be accompanied during any appearance before the Board by an observer. An involved party will be given at least ten (10) working days advance notice by the Board Chairperson of the date, time, and place of any meeting of the Board which the party is requested to attend. Within five (5) working days after receiving this notice, the party will submit to the Associate Dean in writing the name of the observer, if any, who will accompany the party. The party may consult with the observer during the meeting, but the observer will not actively participate in the proceedings.

3.3.3 The Board's review of the case will be conducted in an informal manner. All participants shall maintain the confidentiality of the proceedings. All actions, evidence, files, and records from the proceedings will be private and confidential, unless otherwise provided by law, as interpreted in writing by College counsel, or unless otherwise required by a final court order. Because the matters under consideration by the Board may be extremely sensitive to the persons involved, only persons invited by the Board may attend its meetings. Recording devices are allowed.

3.3.4 Minutes of oral evidence will be kept. All minutes and documentary evidence submitted to the Board will be open to inspection by the involved parties and

the Board members. The minutes and documentary evidence will be kept by the Associate Dean for at least three (3) years from the close of the case by the Board or until appeals and/or sanctions are completed, whichever is longer.

3.4 Written Report.

3.4.1 Upon completion of its deliberations, the Board will formulate a written report (Report of Inquiry) which shall state what evidence was reviewed, summarize relevant interviews, and include the Board's conclusions. The accused and the accuser shall be given a copy of the Report of Inquiry. If the accused or accuser comment on the Report of Inquiry, their comments must be received within five (5) working days from receipt of the Report of Inquiry and shall be made a part of the Report of Inquiry. If an Inquiry takes longer than sixty (60) days to complete, the Report of Inquiry shall include documentation of the reasons for exceeding the sixty (60) day period.

3.4.2 The Board must maintain sufficiently detailed documentation of its inquiries to permit a later assessment of the reasons for determining that an investigation was or was not warranted. Such records shall be maintained by the Associate Dean in a secure manner for a period of at least three (3) years after the termination of Inquiry, and shall, upon request, be provided to authorized HHS personnel.

3.5 Time Limit.

The Board shall complete and deliver its Report of Inquiry to the Dean of the Faculty within sixty (60) calendar days of its initiation unless circumstances clearly warrant a longer period.

3.6 Board Determination.

3.6.1 If the Board determines that a situation exists which requires a full investigation as provided in Article IV, then it shall so state in its Report of Inquiry to the Dean of the Faculty. The Dean of the Faculty shall be responsible for moving the case to a full investigation.

3.6.2 If the Board determines that no Misconduct has occurred, then the College shall undertake diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in Misconduct and to protect the positions and reputations of those persons who, in good faith, make allegations.

3.7 Board Decision.

If the Board determines that the case warrants a full investigation, then it shall be the responsibility of the Chairperson to do the following:

- (1) submit its written Report of Inquiry to the Dean of the Faculty;

- (2) notify appropriate College personnel; and
- (3) notify the ORI that a full investigation will be conducted by the College.

ARTICLE IV. STAGE THREE - FULL INVESTIGATION

4.1 Appointment of Investigation Committee.

Within ten (10) working days from the date upon which the Dean of the Faculty first receives the Report of Inquiry, the Dean of the Faculty and the President shall select a 3-member Investigation Committee.

4.2 Investigation Committee.

4.2.1 The Investigation Committee shall consist of three individuals:

- (1) a representative of the President;
- (2) a College faculty member from the school or other administrative unit of the accused; and
- (3) a faculty member from outside the unit of the accused who may come from outside the College.

4.2.2 The Dean of the Faculty and President shall secure individuals to serve on the Investigation Committee who have the necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence.

4.2.3 The Dean of the Faculty and President shall take precaution against appointing individuals with real or apparent conflicts of interest to the Investigation Committee.

4.2.4 The Investigation Committee shall select a Chairperson within five (5) working days from the date on which the Investigation Committee was appointed.

4.2.5 The Associate Dean shall serve as an administrative representative and Secretary to the Committee. The Associate Dean shall not vote on any issue confronting the Committee.

4.3 Procedures.

4.3.1 The Investigation Committee will examine the Report of Inquiry and other information it deems pertinent to the case, including, but not necessarily limited to relevant research data and proposals, publications, correspondence and memoranda of telephone calls.

4.3.2 The Investigation Committee shall conduct interviews with all parties involved either in making the allegation or against whom the allegation is made, as well as other individuals who might have information regarding key aspects of the allegation. Complete summaries of these interviews should be prepared, provided to the interview party for comment or revision and included as part of the investigatory file. The involved party shall have the rights specified in Section 3.3.2.

4.3.3 The Investigation Committee shall, if possible, afford the accused party an opportunity to meet and ask questions of the accuser. At this meeting, the Investigation Committee shall have the right to ask questions of both the accused and the accuser. The Committee Chairman will give at least fifteen (15) working days advance notice of the date, time and place of this meeting. Each party shall have the right to be accompanied during this appearance by an observer. The party may consult with the observer during the meeting, but the observer will not actively participate in the proceedings.

4.3.4 The Committee's review of the case will be conducted in an informal manner. All participants shall maintain the confidentiality of the proceedings. All actions, evidence, files, and records from the proceedings will be private and confidential, unless otherwise provided by law, as interpreted in writing by College counsel, or unless otherwise required by a final court order. Because the matters under consideration by the Committee may be extremely sensitive to the persons involved, only persons invited by the Committee may attend its meetings. Recording devices will be allowed.

4.3.5 Minutes of oral evidence will be kept. All minutes and documentary evidence submitted to the Board will be open to inspection by the involved parties and the Board members. The minutes and documentary evidence will be kept by the Associate Dean for at least three (3) years from the close of the case by the Committee or until appeals and/or sanctions are completed, whichever is longer.

4.4 Written Report.

4.4.1 Upon the completion of its deliberations, the Investigation Committee shall prepare a Final Report which describes the policies and procedures under which the investigation was conducted, how and from whom information was obtained relevant to the investigation, the findings and the basis for the findings, and include the actual text or an accurate summary of the views of any individual(s) found to have engaged in Misconduct, as well as a description of any sanctions taken by the College.

4.4.2 This Final Report shall be submitted to the ORI.

4.4.3 The Associate Dean must maintain sufficiently detailed documentation of its investigation to permit a later assessment of the reasons for the Committee's conclusions. Such records shall be maintained in a secure manner for a period of at least three (3) years after the termination of the investigation and shall, upon request, be provided to authorized HHS personnel.

4.5 Termination of Investigation.

The Investigation Committee is expected to carry their investigations through to completion, and to pursue diligently all significant issues. If the Investigation Committee

plans to terminate an investigation for any reason without completing all relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to the Dean of the Faculty, President, and ORI. The ORI will then decide whether further investigation should be undertaken.

4.6 Reporting to the ORI.

The College's decision to initiate an Investigation must be reported in writing by the Associate Dean to the ORI on or before the date the Investigation begins. At a minimum, the notification should include the name of the person(s) against whom the allegations have been made, the general nature of the allegation, and the Public Health Service (PHS) application or grant number(s) involved. Information provided through the notification will be held in confidence to the extent permitted by law, will not be disclosed as part of the peer review and Advisory Committee review processes but may be used by HHS in making decisions about the award or continuation of funding.

4.7 Time Limit.

4.7.1 The Investigation Committee shall complete its investigation within 75 days of its initiation. This includes conducting the investigation, preparing the Report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the ORI.

4.7.2 If the Committee determines that it will not be able to complete the investigation in 75 days, it must submit to the Dean of the Faculty and President a written request for an extension and an explanation for the delay that includes an interim report on the progress to date and an estimate for the date of completion of the report and other necessary steps. The Associate Dean shall submit such a request including the interim report and estimated completion date to ORI. Any consideration for an extension must balance the need for the thorough and rigorous examination of the facts versus the interest of the subject of the investigation, the College and the PHS and a timely resolution of the matter. If the ORI grants the request, the Committee must file periodic progress reports as requested by the ORI.

ARTICLE V. STAGE FOUR - COLLEGE ACTIONS

5.1 No Finding of Misconduct.

If it is determined that no Misconduct has occurred, then the College shall undertake diligent efforts, as appropriate, to restore the reputations of persons alleged to have engaged in Misconduct and to protect the positions and reputations of those persons who, in good faith, made allegations.

5.2 Finding of Misconduct.

If the Investigation Committee, in its Final Report concludes that the accused has committed Misconduct, then the Investigation Committee shall refer the case to the President.

5.3 Sanctions.

5.3.1 If the accused is a faculty member, then within five (5) working days from the date the President first received the Final Report, the President shall forward the case to the Chairperson of the Committee on Academic Freedom and Procedures.

5.3.2 If the accused is staff or service personnel, the Final Report shall be referred to the immediate supervisor to whom the person reports for possible disciplinary action.

5.3.3 If the accused is a student, then within five (5) working days from the day the President first received the Final Report, the President shall forward the case to the Community Review Board.

5.4 Time Limit.

The sanction procedure shall be completed within forty-five (45) days of the date the case is assigned to the appropriate committee.

5.5 Reporting.

The Investigation Committee shall be notified in writing of the sanctions imposed on the accused and such sanction shall be added to its Final Report submitted to the ORI.

ARTICLE VI. MISCELLANEOUS

6.1 Emergency Action.

The Associate Dean shall have full authority to take any necessary interim action to protect individuals, College property, potential evidence and College, private, public or Federal funds. These actions include without limitation the right to take into custody any record, securing laboratories or other actions to protect the interests of the College, funding agencies, and individual research participants.

6.2 Emergency Defined.

Any of the following conditions shall constitute an emergency:

6.2.1 There is an immediate health hazard involved;

6.2.2 There is an immediate need to protect College property, funds or equipment;

6.2.3 There is an immediate need to protect private, public, state or Federal funds and equipment;

6.2.4 There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates;

6.2.5 It is probable that the alleged incident is going to be reported publicly;

6.2.6 There is reasonable indication of possible criminal violation.

6.3 Notice to ORI.

If an emergency as defined in Section 6.2 exists, the Associate Dean shall notify the ORI within 24 hours of obtaining the information.

6.4 Ownership of Research.

The College is the owner of all research materials and records related to the sponsored project, and it shall retain custody of such property throughout the term of any Inquiry and Investigation. These research materials and records shall be provided to the accused to the greatest extent possible throughout the proceedings.

6.5 Governed Research.

This policy shall only govern Misconduct which arises in research projects which are supported by the United States Department of Health and Human Services, and by

other agencies, such as the National Science Foundation, which have adopted special requirements for grantees when Misconduct on the part of the project participants is alleged.