

STEPHEN F. AUSTIN
STATE UNIVERSITY
Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Misconduct in Scholarly or Creative Activities

Policy Number: 7.19

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 7/23/2019

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs

Purpose of Policy (what does it do): This policy provides the guidelines on steps to take if misconduct is found present in scholarly or creative activities.

Reason for the addition, revision, or deletion (check all that apply):

- Scheduled Review Change in law Response to audit finding
 Internal Review Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision: Minor revisions.

Specific rationale for deletion of policy: N/A

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Damon Derrick, General Counsel

Misconduct in Scholarly or Creative Activities

Original Implementation: July 17, 2012

Last Revision: ~~July 23, 2019~~ January 30, 2023

I. Introduction

Stephen F. Austin State University (SFA) strives to create a climate that promotes faithful adherence to high ethical standards in scholarly and creative activities without inhibiting the productivity and creativity of the academic community.

Faculty, staff, and students at SFA are expected to comply with generally understood and accepted standards of professional conduct, which include following accepted practices of scholarship and acknowledging collaborators and sources used in reports, publications, and presentations.

Any inquiry or investigation of allegations of misconduct in scholarly or creative activity must proceed promptly and with due regard for the reputation and rights of all individuals involved.

The university will take all reasonable steps to assure that the persons involved in evaluating allegations and evidence have appropriate expertise and that no person involved in the procedures is either biased against the accused person(s) or has a conflict of interest.

II. Scope

This policy applies to all non-federally funded research and other scholarly or creative activities (hereafter referred to as “scholarly activity”). Furthermore, this policy applies to any person paid by and/or subject to the rules and policies of SFA, including faculty, research scientists, trainees, technicians and other staff members, students, and visiting professors.

Misconduct in scholarly activity includes fabrication, falsification, or plagiarism in proposing, performing, reviewing, or reporting scholarly results, or in conducting, reporting, and/or publishing scholarly activities. ~~This~~ *Misconduct also* includes improprieties of authorship, abuse of confidentiality, violation of generally accepted research practices, failure to comply with university requirements affecting research (such as use of human subjects, care and use of animals, and use of hazardous materials), misuse of funds for personal gain, and misrepresentation of qualifications.

Misconduct in scholarly activities does not include honest error or differences of opinion. Procedures for misconduct in research funded by federal agencies are outlined in Misconduct in Federally Funded Research (8.7). Student academic dishonesty is covered under Student Academic Dishonesty (4.1).

III. Procedures

This policy and its procedures will apply when a university official receives an allegation of possible misconduct in scholarly activity. Circumstances in individual cases may require variation from normal procedures to meet the best interest of the university or an external sponsor, if applicable. Deviation from the normal procedures must ensure fair treatment of the subject of the allegation. Any significant variation should be approved in advance by the scholarly misconduct officer (SMO).

The SMO is the associate provost and has primary responsibility for implementing the university's policies and procedures for allegations of scholarly misconduct. Responsibilities of the SMO include: (1) assessing allegations of scholarly misconduct to determine if they fall within the definition of scholarly misconduct and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of scholarly misconduct may be identified; (2) overseeing inquiries and investigations; and (3) handling other responsibilities as described in this policy.

- A. Reports of alleged misconduct in scholarly activity may be submitted to a university academic official, including unit heads, college deans, dean of the Office of Research and Graduate Studies, Associate Provost, and Provost and Executive Vice President for Academic Affairs. The allegation should be submitted in writing and should detail the nature of the allegation and state if any efforts have been made to address the complaint.
- B. All proceedings will be confidential and will protect the rights and reputations of the individuals involved. Notwithstanding, information may be disclosed in order to adequately conduct an inquiry.
- C. Within 10 working days of receipt of an allegation of misconduct in scholarly activity, the written allegation will be forwarded to the SMO who, in consultation with appropriate individuals, will determine whether misconduct in scholarly activity may have occurred and whether an inquiry is warranted.
- D. If an inquiry is warranted, the SMO will inform the individual(s) of the allegation and will determine if a formal review is required or if the allegation can be resolved by the SMO with the parties involved.
- E. If the need for a formal review is determined, the SMO will establish a three-member investigative committee consisting of one member appointed by the SMO and one member selected by the individual(s) in question. These two members will select the third member from the SFA faculty. In all cases, the individuals selected should not create, or create the appearance of, a conflict of interest.
- F. The committee will hear from the complainant and any witnesses, and after reviewing the evidence, will hear from the individual(s) and review evidence they may provide. Upon conclusion of these activities, the committee will draft a report of findings to the SMO that states whether in its judgment, misconduct in scholarly activity has occurred, will detail the evidence that supports the conclusion, and will make recommendations for appropriate

corrective actions.

- G. A copy of the draft report of findings will be presented to the complainant and the individual(s) for review. The complainant and individual(s) have five working days upon receipt of the report to submit written comments to the committee.
- H. Within 30 calendar days of receiving the draft report, a final report will be prepared by the committee, including any comments provided by the complainant and the individual(s).
- I. The final report with recommendations and outcomes will be reviewed and considered for approval by the SMO. Once approved, the complainant and the individual(s) will receive a copy of the final report.
- J. Corrective actions may include but are not limited to:
 - notification to involved parties, as appropriate;
 - withdrawal or correction of all pending or published abstracts and papers involving the misconduct;
 - removal of the responsible person(s) from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, or initiation of procedures leading to revocation of tenure or termination of employment;
 - restitution of funds to a grantor agency or other entities; and
 - other actions appropriate to the misconduct.
- K. In cases warranting corrective action, the final report and/or other information regarding the complaint or inquiry may be disclosed as necessary to effectuate any recommendations or corrective actions, or otherwise notify affected individuals.

The individual(s) may appeal the decision to the Provost and Executive Vice President for Academic Affairs within ten working days of receipt of the final report. In considering the appeal, the Provost and Executive Vice President for Academic Affairs will consider the final report, comments submitted by the individual(s), and any other evidence deemed relevant.

Cross Reference: Student Academic Dishonesty (4.1); Faculty Code of Conduct (7.11); Financial Conflicts of Interest in Sponsored Activities (8.2); Misconduct in Federally Funded Research (8.7); Ethics (2.6).

Responsible for Implementation: Provost and Executive Vice President for Academic Affairs

Contact for Revision: Provost and Executive Vice President for Academic Affairs

Forms: None

Board Committee Assignment: Academic and Student Affairs

Revision History: July 23, 2019
January 26, 2016