

SCIENTIFIC MISCONDUCT

1.1 Definitions

- A. **Misconduct** or **Misconduct in Science**- means fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scientific community for proposing, conducting or reporting research. It does not include honest error or honest differences in interpretations or judgments of data.
- B. **Allegation** means any written or oral statement or other indication of possible scientific misconduct made to an institutional official.
- C. **Complainant** means a person who makes an allegation of scientific misconduct or inadequate institutional response there to or who cooperates with an investigation of such allegation.
- D. **Conflict of interest** means the real or apparent interference of one person's interest with another, where potential bias may occur due to prior or existing personal or professional relationships.
- E. **Good faith allegation** means an allegation of scientific misconduct made by a complainant who honestly believes that scientific misconduct may have occurred. A good faith allegation needs not to be objectively made or be subsequently verified to be made in good faith. However, a complainant who recklessly disregards evidence that disproves an allegation has not made the allegation in good faith.
- F. **Inquiry** means information gathering and initial fact-finding to determine whether an allegation or apparent instance of scientific misconduct warrants an investigation.
- G. **Investigation** means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, the responsible person and the seriousness of the misconduct.
- H. **Respondent** means the person against whom an allegation of scientific misconduct is directed, or the person who is subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.
- I. **Retaliation** means any response by this institution or an employee that adversely affects the employment or other status of a complainant who, in good faith, has

made an allegation of scientific misconduct or inadequate institutional response thereto, or who has cooperated in good faith with an investigation of such allegation.

1.2 Procedures for Misconduct

1.2.1 Responsibilities to Report Research Misconduct

The scientific community of the University is expected to make all possible efforts to prevent scientific misconduct both by personal discipline and by example. The primary responsibility for preventing scientific misconduct rests within the scientific community.

All employees of the University are required to report an observed, suspected, or apparent misconduct in science to the Ethics Committee. If an individual is unsure whether the incident falls within the definition of misconduct, he/she may call the Ethics Committee by telephone. If the circumstance reported does not meet the definition of scientific misconduct, the individual or the allegation will be referred to the appropriate official or office to resolve the problem.

1.2.2 Preliminary Assessment

Once the allegation of scientific misconduct is received, the Ethics Committee shall immediately assess the allegation and determine whether there is sufficient evidence to warrant an inquiry. In assessing the allegation it should be determined whether the allegation falls under the PHS definition of misconduct in science.

1.2.3 Cooperation with Inquiry and Investigation

University employees must cooperate with the Ethics Review Committee in the review of the allegation and the conduct of the inquiry and investigation as well as providing relevant evidence to the allegation.

1.2.4 Protection of Complainant

Any University employee may have confidential discussion about concerns of possible misconduct with the Ethics Committee and will be advised of the appropriate procedure to report the allegation.

The Ethics Committee will see to it that:

1. the treatment of the complainants monitored,

2. anonymity is maintained if requested,
3. a diligent effort is taken by University officials to protect the position and the reputation of the complainant,
4. no retaliation against the complainant or those who cooperate in the inquiry of the investigation in the terms and conditions of their employment or status at University. If retaliation is confirmed, persons involved will be consulted regarding corrective actions to be taken on their behalf to restore or protect their positions or reputations.

1.2.5 Securing Data and Evidence

Once the allegation is determined to fall within the definition of misconduct in science then the related research records and materials are sequestered.

1.3 Guidelines for Conducting an Inquiry

The purpose of the inquiry is not to reach a final conclusion as to whether a misconduct occurred or not but rather to evaluate the situation and determine whether there is sufficient evidence of possible scientific misconduct that warrant an investigation.

1.3.1 Appointment of Inquiry Committee

If the Ethics Committee, after consultation decides that an inquiry should be conducted, he/she will appoint an inquiry committee of three persons that do not have a conflict of interest in the case, are unbiased, and have appropriate qualifications to evaluate the issue raised. The scope of this committee is limited to the evaluation of the facts so that it can be determined if there is sufficient evidence of scientific misconduct to warrant an investigation.

The respondent must be notified of the proposed committee members. If the respondent has an objection to any of the persons appointed to the committee, his objection must be submitted in writing. The Ethics Committee may replace the challenged person with a qualified substitute.

1.3.2 Inquiry Process

Normally inquiry involves interviewing the complainant, the respondent collaborators of respondent, key witnesses, and examining relevant research records and materials.

1.3.3 *Completing Inquiry Report*

The inquiry committee is expected to complete the inquiry and submit a written report to the Ethics Committee within 60 calendar days of its appointment.

If the committee needs more time to complete the investigation then a written request with reasons for the extension must be submitted to the Ethics Committee and entered in the record. The respondent is notified of the extension.

1.3.4 *Content of Inquiry Report*

The inquiry report must include:

1. the evidence that was reviewed,
2. summary of interviews,
3. conclusion of the inquiry as to whether an investigation is warranted.

1.3.5 *Comments by the Respondent and the Complainant*

The respondent should be given a copy of the report. The name of the complainant if it can be identified, should be provided within only those sections of the report that address his role and opinions.

Comments from the respondent or the complainant must be in writing and must become part of the record.

1.3.6 *Decision of the Ethics Committee*

After receiving the complete report, the Ethics Committee after consultation with the deans or other officials of University, shall determine whether to conduct an investigation, drop the matter or take other appropriate action.

1.4 *Investigation*

1.4.1 *Purpose*

The purpose of the investigation is to examine and evaluate all relevant facts to determine whether a misconduct in science has been committed, identify the person(s), and the seriousness of the misconduct. An Office of Research Integrity(ORI) will be provided on or

before the start of the investigation, in writing, with the name of the person against whom the allegation was made.

1.4.2 Appointment of Investigation Committee

If a misconduct is confirmed, the Chancellor/Vice Chancellor of the University will notify the respondent that an investigation will be conducted. Also the Chancellor/Vice Chancellor, after consulting the Ethics Committee and the deans, will appoint an investigation committee. Members of the committee should not have any apparent conflicts of interest with the respondent or the case in question, and they must have the necessary expertise to examine the evidence, interview the witnesses and conduct the investigation.

The Ethics Committee will notify the respondent of the proposed committee membership. If the respondent submits a written objection to any of the appointed members of the investigation committee, the Ethics Committee may decide to replace the challenged person with a qualified substitute.

Investigation Process

If findings from the inquiry provide sufficient basis for conducting an investigation, the Ethics Committee will appoint an investigation committee to initiate the process. This must be done within 30 days of the completion of the inquiry. The investigation will include relevant research data materials, proposals, publications, correspondence, memoranda, and notes of telephone calls. Also when possible, interviews of all persons involved in making the allegation or against whom allegation is made should be conducted.

Interviews must be transcribed or tape recorded. A summary of the interviews should be prepared, provided to the interviewed parties for comments or revision, and included as part of the investigatory file. The investigation should be completed within 120 days of the appointment of the committee. This will include conducting the investigation, preparing the report of findings, making the report available for comments by the involved parties, submitting a report to the Ethics Committee for approval.

1.4.3 Report Content

The final report to the legal body must contain the policies and procedures under which the investigation was conducted, describe how and from whom relevant information was obtained, state the findings, and explain the basis of the findings, and include an accurate summary of the views of any individual (s) involved in the misconduct, comments of both

the respondent and the complainant as well as a description of sanctions taken by University.

1.4.4 Decision by the University

The Ethics Committee of University will decide whether a misconduct has occurred, and what sanctions or administrative actions to be taken. These may include:

1. restitution of funds to the supporting agency,
2. withdrawal or correction of all pending or published abstracts and papers that resulted from the research in question,
3. removal from the particular project, special monitoring of future work, letter of reprimand, probation, suspension, salary reduction, initiation of steps leading to possible rank reduction, or termination of employment.

1.5 Plagiarism

Authors who present the words, data, or ideas of others with the implication that they are their own, without attribution in a form appropriate for the medium of presentation, are committing theft of intellectual property and may be guilty of plagiarism and thus of research misconduct. This statement applies to reviews and to methodological and background/historical sections of research papers as well as to original research results or interpretations. If there is a word-for-word copying beyond a short phrase or six or seven words of someone else's text, that section should be enclosed in quotation marks or indented and referenced, at the location in the manuscript of the copied material, to the original source. The same rules apply to grant applications and proposals, to clinical research protocols, and to student papers submitted for academic credit.

Not only does plagiarism violate the standard code of conduct governing all researchers, but in many cases it could constitute an infraction of the law by infringing on a copyright held by the original author or publisher.

An author should cite the work of others even if he or she had been a co-author or editor of the work to be cited or had been an adviser or student of the author of such work.

The work of others should be cited or credited, whether published or unpublished and whether it had been written work, an oral presentation, or material on a website. Each

journal or publisher may specify the particular form of appropriate citation. One need not provide citations, however, in the case of well-established concepts that may be found in common textbooks or in the case of phrases which describe a commonly-used methodology. Special rules have been developed for citing electronic¹ information.

Members of a research group who contribute to work that is later incorporated into a proposal or protocol are entitled to be consulted and informed as to what their role will be if the proposal is funded or the protocol approved. A charge of plagiarism in the proposal or protocol on grounds that such members are not later included as part of the team that conducts the approved or funded research, however, can usually not be sustained. Such researchers who are excluded from subsequent research are entitled, however, to be considered for co-authorship in publications if their contributions merit it.

1.6 Other Considerations

1.6.1 Termination of Employment or Resignation Prior to Inquiry or Investigation

Termination of employment by the respondent, before or after an allegation has been reported, or during inquiry or investigation, will not preclude or terminate the misconduct procedures. If the respondent refuses to participate in the process after resignation, the Ethics Committee will use its best effort to reach a conclusion concerning the allegation pointing out the effect of the lack of cooperation by the respondent on its review of all the evidence.

1.6.2 Restoration of Reputations

The University will undertake diligent efforts to restore the reputation of the respondent if not found guilty of misconduct. The Ethics Committee will ensure that all reference to the matter removed from the respondent's personal file. All persons who have been interviewed or informed of the charge will be notified in writing that the charges have been dropped.

Respondents should be consulted regarding other actions that might be taken on their behalf to restore their reputation.

1.6.3 Retention of Records

After completion of a case and all ensuing related actions, the Ethics Committee will prepare a complete file that includes, the original record of inquiry and investigation, copies of all

documents and other materials furnished to the appropriate committees. The Ethics Committee retain the file for 3 years from the date that ORI completes its review of the case and all related actions. Access to the file shall be available to the ORI or other authorized personnel upon request.

1.6.4 Administrative Actions

The University will take the appropriate administrative actions to protect government funds and insure that the purposes of the government financial assistance are carried out.

1.6.5 Reporting to Disciplinary Committee (DC)

The Ethics Committee must report in writing to the director of the DC when:

1. A decision is made to initiate an investigation. The notification should include the name of the person(s) against whom allegations have been made, the general nature of the allegation, and applications or grant number(s) involved, as well as a report of the final outcome of the investigation,
2. The University plans to terminate an inquiry or investigation for any reason without completing all Federal requirements. The notification should include a description of the reasons for the termination, then DC will decide whether further investigation should be undertaken,
3. The investigation committee feels that it cannot complete the investigation in 120 days. The request for an extension must include an explanation for the delay and an estimate for the date of completion and other necessary steps. If the request is granted then Ethics Committee will send periodically a progress report to DC,
4. Funding or application for funding are involved and there is an admission of scientific misconduct. Admission of scientific misconduct will not be used as a basis for closing a case or not carry out an investigation without the approval of ORI.

The Ethics Review Committee shall notify the DC at any stage of the inquiry or investigation when:

1. there is an immediate health hazard,
2. there is an immediate need to protect Federal funds or equipment,

3. there is an immediate need to protect the interests of the respondent(s) as well as his/her co-investigative and associates or the complainant,
4. it is possible the alleged incident is going to be reported publicly,
5. there is a reasonable indication of possible criminal violation.

1.6.6 Disciplinary Action

If the Ad Hoc Committee reports that a majority of its members find that scientific misconduct has occurred, the Chairperson will be empowered to take appropriate disciplinary action in consultation with the Vice Chancellor.

1.6.7 Protection and Confidentiality

The rights and privilege of any employee accused of scientific misconduct will be protected by the existing provisions of the Institutional Regulations within KNUST, which apply to any allegation of misconduct by an employee of this institution.

The confidentiality of this administrative process will be maintained at all times. In particular, the privacy of those persons who in good faith report apparent scientific misconduct will be observed. Nevertheless, written documentation of the inquiry and of the formal investigation will be maintained as permanent confidential records in the Office of the Chancellor/Vice Chancellor for the use as needed by that office.