

**Policy and Procedures  
for Responding to Allegations  
of Academic Misconduct  
at West Virginia University**

The following pages constitute the current policy on Academic Misconduct. The “original” version of this text, following the format of the “Track Changes” feature of MS Word, is the document which was approved by the Integrity Committee, vetted through the Senate and the Administration, and is the policy of record. For identification purposes, this document is referenced as

**Current AIC Policy 2000**

# **Policy and Procedures for Responding to Allegations of Academic Misconduct at West Virginia University**

April 10, 2000

This document is based on two earlier ones. The first, *Policy and Procedures for Review of Alleged Misconduct in Research and/or Scholarship*, lists an approval date of June 28, 1990. The second document, *Policy and Procedures for Responding to Allegations of Misconduct in Research and Scholarship at West Virginia University*, was developed by WVU's Senate Research Integrity Committee in the 1995-96 and 1996-97 academic years. It was approved by the WVU Faculty Senate on May 12, 1997, and by the federal Office of Research Integrity of the U.S. Department of Health and Human Services on October 14, 1997. The present document was developed by the WVU Research Integrity Policy Committee in the 1998-99 and 1999-2000 academic years, approved by the Faculty Senate on April 10, 2000, and by the federal Office of Research Integrity on \_\_\_\_\_. Portions of the last two documents are based, with permission, on the federal Office of Research Integrity's Advisory Document of April 1995.

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## ***Appendices***

### **Composition of Campus Academic Integrity Committees**

WVU at Morgantown  
WVU at Parkersburg  
Potomac State College of WVU  
WVU Institute of Technology  
Charleston Division, Robert C. Byrd Health Sciences Center

[These sections omitted to avoid dating the document]

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# Part One Overview

## Introduction

The policy and procedures described in this document govern West Virginia University's response to allegations of misconduct in research and other forms of scholarship on all of its campuses, regardless of the discipline the work represents; whether the work is by faculty, students, staff, or guests; and whether the work is funded by external agencies or supported internally. Thus, all members of the University should become familiar with the policy and procedures.

## How to Use this Document

This document is organized to accommodate readers with varying degrees of interest. Everyone at WVU should read Part One, which summarizes the major features of the University's policy and procedures. Individuals who find themselves involved in a case of academic misconduct, or others with a keen interest in the process, should read the details presented in Parts Two and Three. Separate sections are devoted to each of the individuals or committees with major involvement in cases of academic misconduct, and to some of the general administrative issues that must be addressed.

To ease the reader's burden, only essential terms are defined in the text. Other important terms — presented in *bold italics* — are defined in the Glossary.

## General Principles

Integrity is an obligation of all who engage in the acquisition, application, and dissemination of knowledge. Scholars are bound to maintain honesty and avoid deception in all aspects of their work. This duty, rooted in personal and professional ethics, is shared by all members of the University community. The duty to safeguard academic integrity at WVU includes:

- Promulgating and reinforcing standards for the conduct of research and other forms of scholarship;
- Reporting potential instances of misconduct;
- Examining allegations of misconduct; and
- Imposing sanctions when appropriate.

Several individuals and committees share official responsibility for the University's policy and procedures in these matters. The *Academic Integrity Officer* is charged with overall responsibility for ensuring that the policy and procedures are followed. The policy and procedures themselves are developed by a committee of faculty, staff, and student representatives, the *Academic Integrity Policy Committee*. The initial procedures for responding

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to allegations of academic misconduct are implemented by a committee of faculty and staff, the *Academic Integrity Committee*. This committee is responsible for conducting an inquiry into each allegation and, if warranted by the preliminary evidence, a full-fledged investigation. High-level administrative support for these functions is provided by an *Executive Secretary* on each campus. If the investigation uncovers substantial evidence of misconduct, the case is decided by an impartial *Hearing Panel*. The University's final response to a case of academic misconduct — for example, the nature of any institutional sanctions — is the responsibility of the *Deciding Official*.

## Definition of Academic Misconduct

The present policy and procedures are informed largely, but not exclusively, by the federal *Office of Research Integrity*'s concern with *scientific misconduct*, which is defined as “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.” The University's concern is broader than that of the federal Office of Research Integrity, however, and extends beyond scientific work to all forms of scholarship, including activities classified as *research, teaching, learning, or service*. This concern is in keeping with the University's broad missions in research, teaching, and service, and the responsibilities and duties imposed on the University by external agencies and organizations that regulate various aspects of these missions.

The present document, therefore, is concerned with academic misconduct regardless of the specific context in which it occurs. *Academic misconduct* is defined as fabrication, falsification, plagiarism, or other practices that *seriously* deviate from those that are commonly accepted within the scholarly community for: (a) proposing, conducting, or reporting research; (b) teaching; (c) learning, and (d) providing institutional, community, or professional service. This definition of misconduct does not include honest error or honest differences of opinion in interpretations or judgments of data, pedagogy, or professional practices. But it does include material failure to comply with federal, state, or institutional requirements related to research, teaching, learning, and service. This includes, but is not limited to, any material failure to meet relevant requirements of the *Institutional Review Board for the Protection of Human Subjects*, the *Animal Care and Use Committee*, the *Institutional Biohazards Committee*, or the *Office of Radiation Safety*. Also included is *retaliation* against individuals who in good faith allege misconduct or who cooperate in inquiries or investigations in cases of misconduct.

## Scope

The policy and procedures described herein apply to all individuals at WVU. Thus, the policy applies to any person paid by, under the control of, or affiliated with any campus of WVU, including faculty, trainees, technicians and other staff members, students, fellows, guest researchers, and collaborators. This document refers to these individuals collectively as “members of WVU” or “members of the University community.”

Charges of sexual harassment normally will not adjudicated under the terms of the present policy, but rather according to the *WVU Policy on Sexual Harassment*. Likewise, charges

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against students whose alleged misconduct takes place in the context of coursework normally will be governed by the WVU *Code of Student Rights and Responsibilities*. In some cases, the present policy may overlap with other University policies, for example, if a person sexually harasses an assistant as retaliation for reporting misconduct or if a student publishes plagiarized coursework. In such cases, the present policy may or may not be applied in addition to the others. Findings under the present policy do not limit the application of other pertinent policies.

## Responsibility to Report Misconduct

All members of the University community have an obligation to report observed, suspected, or apparent instances of academic misconduct. Reports should be made to the University's Academic Integrity Officer. The Officer is available for confidential discussions about possible cases of misconduct, and will provide information about appropriate procedures for reporting an *allegation*. Individuals who are unsure whether a case falls within the definition of academic misconduct should call the Officer to discuss the incident informally. If the circumstances described by the individual do not meet the definition of academic misconduct, the Officer may refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

## Confidentiality

Members of WVU who make, receive, or learn of an allegation of academic misconduct will protect, to the maximum extent possible, the confidentiality of information regarding the individual who reports the allegation (the *complainant*), the individual who is suspected of misconduct (the *respondent*), and other affected individuals. The Academic Integrity Officer may establish reasonable conditions to ensure the confidentiality of such information.

## Protection of the Complainant

The Executive Secretary will monitor the treatment of individuals who bring allegations of misconduct. The Academic Integrity Officer will ensure that they do not suffer retaliation from other members of WVU in the terms and conditions of their employment, academic standing, or other status. The Officer will review instances of alleged retaliation for appropriate action.

The Academic Integrity Officer will ensure that the University protects, to the maximum extent possible, the privacy, positions, and reputations of complainants who make a *good faith allegation* of misconduct. For example, if the complainant requests anonymity, University officials will honor the request within applicable policies and regulations and state and local laws. The complainant will be advised that if the matter is referred to a committee for *inquiry* or *investigation* and the complainant's testimony is required, anonymity may no longer be guaranteed.

## Protection of the Respondent

Inquiries and investigations will be conducted in a manner that will ensure fair treatment of the respondent, and confidentiality to the extent possible without compromising public health and safety or an unbiased and thorough investigation. While an inquiry or investigation is underway,



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the Academic Integrity Officer will ensure that the respondent does not suffer retaliation from other members of WVU in the terms and conditions of employment, academic standing, or other status at the University, and will review instances of alleged retaliation for appropriate action.

If no misconduct is found, the Academic Integrity Officer, after consulting with the respondent and the Deciding Official, will undertake diligent efforts to restore the respondent's reputation. Depending on the particular circumstances, the Officer may notify those individuals aware of or involved in the case of the final outcome, publicize the final outcome in forums in which the allegation of misconduct was previously publicized, or expunge all references to the misconduct from the respondent's personnel file.

## **Responsibility to Cooperate with Inquiries and Investigations**

Members of WVU have an obligation to cooperate with the Academic Integrity Officer and other institutional officials in the review of allegations and the conduct of inquiries and investigations. The Officer will ensure that these individuals do not suffer retaliation from other members of WVU in the terms and conditions of their employment, academic standing, or other status at the University, and will review instances of alleged retaliation for appropriate action.

The University may impose administrative sanctions against individuals who fail to participate when requested by the committees or officials having jurisdiction over the case, or who fail to act in good faith.

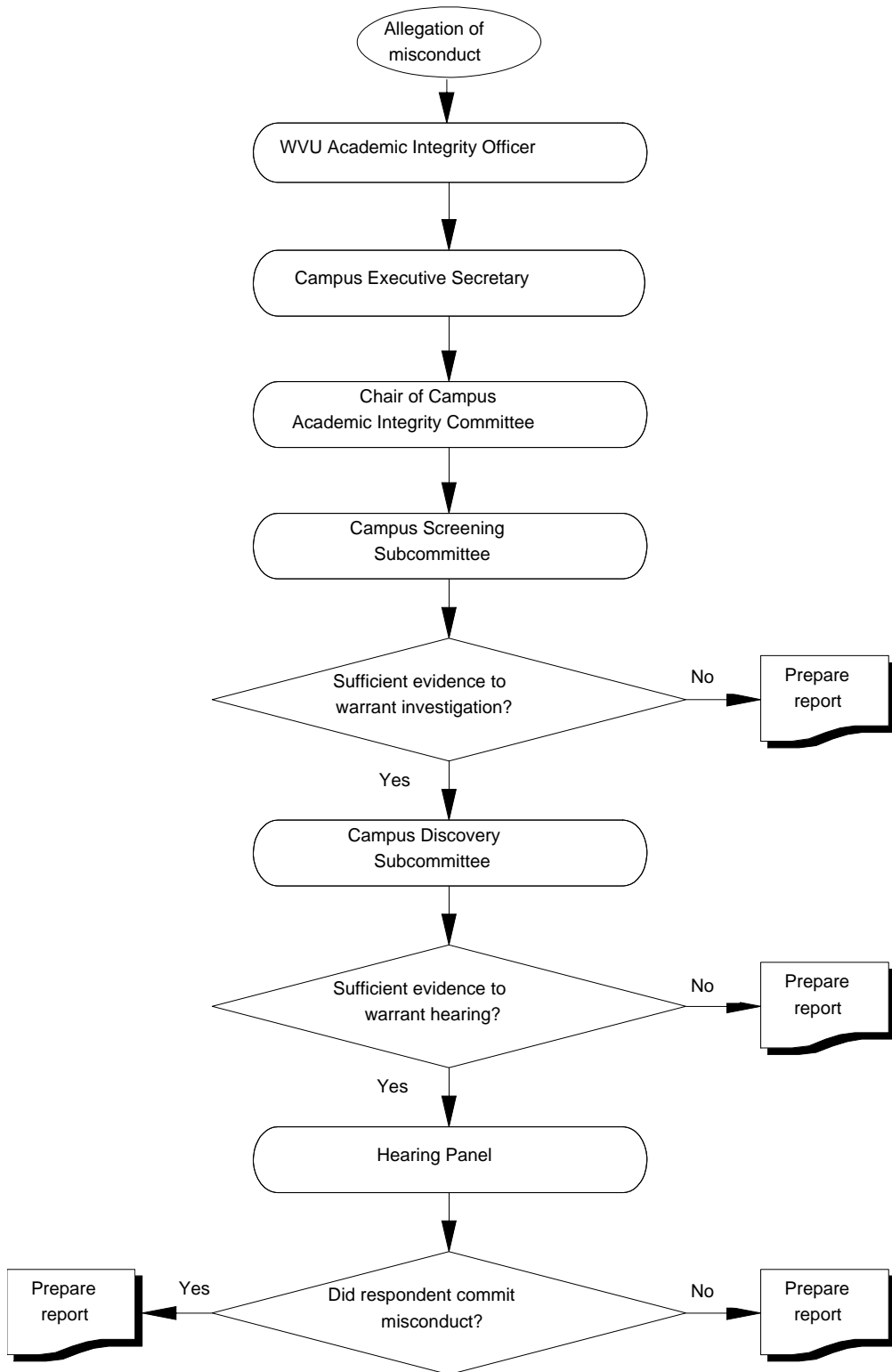
## **Responding to Academic Misconduct**

This section outlines the steps that are followed when an allegation of academic misconduct is received by the Academic Integrity Officer. The basic process, depicted in Figure 1, is divided into three stages. If, at any stage, there is insufficient evidence that misconduct has occurred, a report to that effect is submitted to the Officer. Otherwise, the process advances to the next stage. The Officer presents the report to the Deciding Official, who determines whether to impose sanctions or take other administrative actions.

Each stage of the University's response to an allegation of academic misconduct will be conducted in a timely, objective, and competent manner. The committees and panels charged with conducting inquiries, investigations, and hearings will have the necessary expertise to carry out a thorough and authoritative evaluation of the evidence. In forming the committees and panels, reasonable precautions will be taken to avoid bias and real or apparent *conflict of interest*.

### **Stage 1: Review of the Allegation**

The Academic Integrity Officer receives the allegation, decides which campus's Academic Integrity Committee will address the matter (most likely the campus on which the misconduct allegedly occurred), and forwards the allegation to the Executive Secretary on that campus. The Secretary presents the allegation to the Chair of the Academic Integrity Committee, and takes



**Figure 1.** Flow chart of the basic process for responding to an allegation of academic misconduct. After the Academic Integrity Officer accepts the report and any written comments on it by the respondent, the case is in the hands of the Deciding Official, who has 15 days to determine the University's final course of action. The process should be completed within 210 days.

steps to provide the Committee with the administrative resources needed to carry out its responsibilities. The Chair arranges a review of the allegation by the **Screening Subcommittee**. If the allegation merits it, the Screening Subcommittee conducts a preliminary exploration of the facts in the case — an inquiry — to decide whether a full-fledged investigation is warranted.

The Review Stage consists of these steps:

1. The Screening Subcommittee notifies the respondent of the allegation.
2. A Screening Subcommittee consisting of the Chair of the Academic Integrity Committee and at least two other members assesses the allegation to decide whether it falls within the definition of academic misconduct and provides sufficient information to proceed with an inquiry.
3. If an inquiry is appropriate, the Subcommittee initiates it immediately. The Subcommittee obtains and considers pertinent evidence in sufficient detail to decide whether an investigation is warranted. Depending on the circumstances of the individual case, the Screening Subcommittee may need to sequester **research records** or other records, either to review them or to safeguard them as evidence that may be needed in subsequent stages of the case. The Subcommittee also may interview the complainant, the respondent, or other witnesses. The Screening Subcommittee does *not* conduct a full-fledged investigation, nor is it necessarily obligated to conduct interviews, sequester records, and so forth.
4. If the Screening Subcommittee decides that the allegation does *not* merit an investigation, then the Subcommittee prepares a report to that effect, and submits it to the Academic Integrity Officer.
5. If the Subcommittee decides that the allegation *does* merit investigation, then the Subcommittee writes a report to that effect and the case advances to the Discovery Stage.
6. The respondent is given a copy of the Subcommittee's report and the opportunity to write comments for the record.

## **Stage 2: Discovery of Evidence**

If an investigation is warranted, the Chair of the Academic Integrity Committee forms a **Discovery Subcommittee**. The Discovery Subcommittee conducts a thorough investigation and forms an opinion about whether the **preponderance of the evidence** is sufficient to warrant a hearing. The Discovery Stage consists of these steps:

1. The Chair of the Academic Integrity Committee forms the Discovery Subcommittee by selecting individuals from the pool of talent in the Academic Integrity Committee and by appointing any *ad hoc* members that may be needed to ensure appropriate expertise.
2. The Chair of the Academic Integrity Committee sends the respondent a list of the proposed membership of the Discovery Subcommittee, and gives the respondent a reasonable amount of time to raise objections about the membership. The Chair may, but is not obligated to, replace members based on the respondent's objections.
3. When the membership of the Discovery Subcommittee is established, the Chair of the Academic Integrity Committee presents the Subcommittee with the Screening Subcommittee's report and a formal charge indicating the allegation to be explored.
4. The Discovery Subcommittee is obligated to obtain the information needed to establish, by the standard of a preponderance of the evidence, whether misconduct occurred.
  - When the Subcommittee reaches a preliminary decision, it reports this decision and the evidence supporting it to the respondent, so that the respondent may offer comments for the Subcommittee's final deliberations.
  - If the Subcommittee decides that misconduct did *not* occur, or that there is insufficient evidence that misconduct occurred, then the Subcommittee writes a report to that effect, and submits it to the Academic Integrity Officer. The respondent is given a copy of the Subcommittee's report and the opportunity to write comments for the record.
  - If the Subcommittee decides that there is sufficient evidence of misconduct to warrant a hearing, then the Subcommittee: (a) calls on the Academic Integrity Officer to form a Hearing Panel and arrange a hearing; (b) notifies the respondent of its decision; and (c) shares with the respondent the evidence obtained and considered in reaching this decision.

### **Stage 3: Hearing**

In this stage the Academic Integrity Officer names a Hearing Panel that reaches a final decision about whether misconduct has occurred. The Hearing Stage completes the investigation process, and consists of these steps:

1. The Academic Integrity Officer names a Hearing Panel consisting of at least five members whose seniority and experience qualify them to judge the evidence to be introduced.
  - At least one member will be from the respondent's college, school, or major administrative unit, and at least two will be from outside the college, school, or unit. Members may be appointed from outside WVU.
  - The Academic Integrity Officer gives the Discovery Subcommittee and the respondent an opportunity to review the proposed membership of the Hearing Panel and to raise

objections. The Officer may, but is not obligated to, replace challenged members of the Panel.

2. The Academic Integrity Officer schedules the hearing.
3. The hearing is not adversarial in nature, and the formal rules of evidence do not apply.
  - The Discovery Subcommittee presents its evidence first; the respondent's defense follows.
  - Witnesses may be called by either side. If either side calls witnesses, the other side is entitled to cross-examine them.
  - The respondent may be represented by legal counsel or a non-legal adviser who may consult with the respondent during the hearing and speak on the respondent's behalf.
  - If evidence comes to light that, in the opinion of the Hearing Panel, requires additional investigation, then the Panel may suspend the hearing to allow such investigation, either on its part or on the part of some other party it designates.
  - The hearing is recorded and a written summary is prepared.
4. After considering the evidence in the case, the Hearing Panel reaches a decision about whether a preponderance of the evidence indicates that academic misconduct occurred and reports its decision in writing. The respondent is given a copy of the Panel's report and the opportunity to write comments for the record.

## **Report and Decision**

The final report — whether it is prepared by the Screening Subcommittee, the Discovery Subcommittee, or the Hearing Panel — is submitted to the Academic Integrity Officer, who forwards it to the Deciding Official along with any written comments provided by the respondent.

If academic misconduct has been found, the Deciding Official may impose a range of sanctions consistent with applicable policies, procedures, and regulations. Included among them are the following:

- withdrawal or correction of relevant publications;
- removal of the responsible person from the project, a letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible reduction in rank or termination of employment;
- restitution of funds as appropriate; and

- notification of professional or other organizations regarding credentials or other revocations resulting from the action taken by the University.

In addition, if the misconduct occurred in activity supported by an external agency, the agency may impose sanctions of its own. Among the options available to federal agencies, for example, are these:

- conditions on future funding;
- restrictions on funded activities;
- suspension of funding; and
- debarring the responsible individual or WVU from receiving funds from *any* federal agency.

If no misconduct is found, the Academic Integrity Officer, after consulting with the respondent and the Deciding Official, will undertake diligent efforts to restore the respondent's reputation as described previously (see the section entitled *Protection of the Respondent*).

## Time Limits

Unless mitigating circumstances are encountered, the entire process — from the initial meeting of the Screening Subcommittee to the final actions by the Deciding Official — should be completed within 210 calendar days. In cases involving activity sponsored by federal agencies, the federal Office of Research Integrity requires final action within this time frame (although extensions might be granted upon request).

Adherence to the following schedule will ensure timely progress:

- The Screening Subcommittee should complete its work within 60 days.
- The Discovery Subcommittee should assemble and begin its investigation no more than 30 days after the Screening Subcommittee completes its inquiry. Thereafter, the Discovery Subcommittee may take 60 calendar days to gather evidence and decide whether to call for a hearing. If the Subcommittee decides that no hearing is warranted, then it may take up to 45 more calendar days to prepare its report.
- If a hearing is required to complete the investigation process, the hearing should be arranged and the Hearing Panel should complete its work within 45 days of the Discovery Subcommittee's call.
- Upon receiving the report of the Screening Subcommittee, the Discovery Subcommittee, or the Hearing Panel, the Deciding Official will have 15 calendar days in which to determine the University's course of action and to arrange for the transmission of the report and decision to the respondent and other relevant parties, including any external funding agencies.

## Part Two

# Rights and Responsibilities

This part provides detailed information about the specific rights and responsibilities of the individuals and committees with major involvement in cases of academic misconduct. Efforts have been taken to make the section on each individual and committee as comprehensive as possible. Still, Part Two should be regarded as a *supplement* to Part One, not a replacement for it.

## Academic Integrity Officer

The Academic Integrity Officer is a high-level administrator charged with overall responsibility for ensuring that the University's policy and procedures on academic misconduct are followed.

### Appointment and Qualifications

1. The President of WVU will appoint the Academic Integrity Officer.
2. The Officer will be a University administrator whose personal qualifications and access to resources will be sufficient to accommodate the complex procedural requirements of academic misconduct cases. The Officer will be sensitive to the varied demands made on members of the University community including those who are accused of misconduct and those who report apparent misconduct in good faith.

### Responsibilities

1. The Officer will ensure that the University's policy and procedures on academic misconduct are followed by the individuals, committees, and panels so charged on each campus.
2. The Officer will appoint an Executive Secretary on each campus to provide high-level administrative support and guidance to the campus's Academic Integrity Committee, and to serve any other campus functions related to academic integrity as may be practical or efficient. The Officer will maintain contact with the Secretary during the course of any case of academic misconduct.
3. The Officer, in consultation with the Executive Secretary, will appoint the members of each campus's Academic Integrity Committee. The members of the Committee will serve as a pool of talent for the Screening and Discovery Subcommittees. The Officer will ensure that the Committee has the expertise to carry out its responsibilities and access, via the Executive Secretary, to any administrative resources it may require.
4. The Officer, in consultation with the Executive Secretary, will appoint the members of any Hearing Panel that may become necessary. The Officer will ensure that the Panel is free of bias and real or apparent conflicts of interest, that it has the expertise to conduct a thorough

and authoritative evaluation of the relevant evidence, and that it has access, via the Executive Secretary, to any administrative resources it may require.

5. The Officer will be available for informal, confidential discussions with individuals who contemplate making an allegation of academic misconduct, and to advise such individuals about how to proceed.
6. The Officer will receive allegations of academic misconduct in written or oral form, decide the campus on which each allegation will be addressed, and transmit the allegation to the Executive Secretary on that campus.
7. The Officer will take steps to ensure that members of WVU who make, receive, or learn of an allegation of academic misconduct protect, to the maximum extent possible, the confidentiality of information regarding the complainant, the respondent, and other affected individuals. The Officer may establish reasonable conditions to ensure the confidentiality of such information.
8. The Officer will ensure that the University protects, to the maximum extent possible, the privacy, positions, and reputations of complainants who make a good faith allegation of academic misconduct. If the complainant requests anonymity, University officials will honor the request within applicable policies and regulations and state and local laws. The complainant will be advised that if the matter is referred to an investigation committee and the complainant's testimony is required, anonymity may no longer be guaranteed.
9. The Officer will undertake diligent efforts to protect the reputation of the complainant and other individuals involved in the case who have acted in good faith.
10. The Officer will ensure that individuals involved in cases of academic misconduct do not suffer retaliation from other members of WVU in the terms and conditions of their employment, academic standing, or other status at the University. The Officer will review instances of alleged retaliation for appropriate action.
11. During a case of academic misconduct, the Officer will ensure that University officials take interim administrative actions, as appropriate, to protect any federal funds that may be involved and to ensure that the purposes of any federal financial assistance are carried out.
12. The Officer will ensure that inquiries, investigations, and hearings are conducted in a manner that will ensure fair treatment of the respondent, and confidentiality to the extent possible without compromising public health and safety or an unbiased and thorough investigation.
13. When the appropriate committee or panel brings an inquiry or investigation to a conclusion and prepares a report of the findings (see Figure 1), the Officer will receive the report and transmit it to the Deciding Official. The Officer will be available to consult with the Deciding Official and the authors of the report, to facilitate communication between the authors and the Deciding Official, and to assist the Deciding Official in determining the University's course of action.



14. The Officer will transmit the inquiry report (prepared by the Screening Subcommittee) or the investigation report (prepared by either the Discovery Subcommittee or, if the investigation process incorporates a hearing, by the Hearing Panel) to the respondent and provide the respondent with a reasonable amount of time (typically one week) in which to submit written comments about the report. Any such comments will be included in the record of the case. The Officer will transmit the comments to the Deciding Official so they can be considered in determining the University's course of action.
15. If the report indicates that no misconduct was found, the Officer, after consulting with the respondent and the Deciding Official, will undertake diligent efforts to restore the respondent's reputation. Depending on the particular circumstances, the Officer may notify those individuals aware of or involved in the case of the final outcome, publicize the final outcome in forums in which the allegation of misconduct was previously publicized, or expunge all references to the misconduct from the respondent's personnel file.
16. The Officer will provide the complainant with a summary of the report.
17. When the Deciding Official makes a final determination on the University's course of action in a case, the Official may direct the Academic Integrity Officer to send the report, or written information about the outcome of the case, or both, to various individuals, committees, or agencies deemed appropriate by the Deciding Official, the Officer, and the Chair of the Academic Integrity Committee. In cases where the activity was funded by an external agency, the Officer will ensure that the agency receives the report and the Official's decision in the form required by the agency.
18. If the activity in question was funded by a federal agency, the Officer will ensure that the University meets any requirements to keep the federal Office of Research Integrity and the agency informed. The requirements include the following:
  - a. The federal Office of Research Integrity will be informed of any developments that may affect current or potential funding for the respondent or that the agency needs to know to ensure appropriate use of grant funds and otherwise protect the public interest.
  - b. The federal Office of Research Integrity will be notified at any stage of the inquiry or investigation if any of the following circumstances arise: there is an immediate health hazard involved; there is an immediate need to protect federal funds or equipment; there is an immediate need to protect the interests of the complainant, the respondent, or the respondent's co-investigators and associates, if any; it is probable that the alleged incident is going to be reported publicly; the allegation involves a sensitive issue of public health; or there is a reasonable indication of possible criminal violation. In the last case, the University must inform the federal Office of Research Integrity and other pertinent federal offices within 24 hours of obtaining information about the possible criminal violation.
  - c. The federal Office of Research Integrity will be notified about an investigation on or before the date the Discovery Subcommittee begins the investigation. The notification will include the name of the respondent, the general nature of the allegation as it

relates to the definition of misconduct, and the numbers of the grant applications or grant awards involving agencies of the Public Health Service.

- d. In cases where an investigation is warranted, the investigation must yield a final report accepted by the Deciding Official within 120 days of the initiation of the investigation. This time frame incorporates the efforts of the Discovery Subcommittee and the Deciding Official and, in some cases, a Hearing Panel as well. If the 120-day limit cannot be met, the Officer will request an extension from the federal Office of Research Integrity. The request will include an explanation for the delay, an interim report on the progress to date, an outline of what remains to be done, and an estimated time of completion.
  - e. If, for any reason, an inquiry or investigation cannot be completed according to the requirements described herein, the federal Office of Research Integrity will be notified of the planned termination. The notification will include the reasons for such termination.
  - f. The federal Office of Research Integrity will receive a final written report when the University decides on a final action in a case in which the allegation of misconduct warranted investigation. The University's report to the federal Office of Research Integrity will include: a summary of the University's policies and procedures for responding to allegations of misconduct; the investigation report prepared by the Discovery Subcommittee or Hearing Panel; the actual written comments of any respondent found to have engaged in misconduct, or an accurate summary of the respondent's views; and a description of any sanctions imposed by the Deciding Official.
19. The Officer will consider written requests for departures from the standard procedures for responding to allegations of academic misconduct. The Officer may permit such departures as long as the basic spirit of the University's policy is maintained. Permission, and the justification for it, will be communicated in writing to the affected individuals and the Academic Integrity Policy Committee. Copies of the request and permission should be maintained as a part of the record of the case.
20. The Officer is responsible for securely maintaining files of all documents and evidence in cases of academic misconduct. After completion of a case and all ensuing related actions, the Officer will prepare a complete file, including the records of any inquiry or investigation and copies of all documents and other materials furnished to the Officer, committees, or panel. The Officer will keep the file for three years after completion of the case to permit later assessment of the case. The federal Office of Research Integrity or other authorized personnel of the Department of Health and Human Services will be given access to the records upon request.

21. The Officer will serve as a non-voting *ex officio* member of the Academic Integrity Policy Committee.
22. The Officer will report to the President.

## **Executive Secretary**

Each campus has its own Executive Secretary who provides administrative support for the campus's Academic Integrity Committee and acts as a liaison between the Committee and the Academic Integrity Officer.

### **Appointment and Qualifications**

1. The Academic Integrity Officer will appoint an Executive Secretary on each campus of WVU.
2. The Executive Secretary will be an administrator whose personal qualifications and access to resources will be sufficient to accommodate the complex procedural requirements of academic misconduct cases. The Secretary will be sensitive to the varied demands made on members of the University community including those who are accused of misconduct and those who report apparent misconduct in good faith.

### **Responsibilities**

1. The Executive Secretary will assist the Academic Integrity Officer in ensuring that the University's policy and procedures on academic misconduct are followed by the individuals, committees, and panels so charged on the Secretary's campus.
2. The Executive Secretary will serve as a non-voting *ex officio* member of the Academic Integrity Committee in general, and of the Discovery Subcommittee in particular.
3. The Executive Secretary will relay allegations of academic misconduct from the Academic Integrity Officer to the Chair of the Academic Integrity Committee. If the Secretary receives an oral allegation, the Secretary will reduce it to writing before presenting it to the Chair of the Academic Integrity Committee.
4. If a hearing is called by the Discovery Subcommittee, the Executive Secretary, in consultation with the Chair of the Academic Integrity Committee, will prepare a formal written charge listing the allegations of misconduct against the respondent. The Hearing Panel will decide if the respondent committed misconduct as charged.
5. The Executive Secretary will provide any administrative support or access to resources needed by the Screening Subcommittee, the Discovery Subcommittee, the Hearing Panel, and any other relevant committees, officials, or individuals in complying with the University's policy and procedures and with applicable standards imposed by state or federal governments or external sources of funding.

6. If the activity in question was funded by an external agency, the Executive Secretary will assist the Academic Integrity Officer in ensuring that the University meets any requirements to keep the agency, or associated offices such as the federal Office of Research Integrity, informed.
7. If the activity in question was funded by an external agency, the Executive Secretary will work with the Chair of the Academic Integrity Committee to ensure that any report prepared by the Screening Subcommittee, the Discovery Subcommittee, or the Hearing Panel meets the reporting requirements of the agency or associated offices such as the federal Office of Research Integrity.
8. The Executive Secretary will review any report prepared for the Academic Integrity Officer by the Screening Subcommittee, Discovery Subcommittee, or the Hearing Panel for adherence to the University's requirements as set forth in this document (see the sections pertaining the subcommittees and the Hearing Panel), as well as the requirements of any external agency or office that may be involved in the case (e.g., in the case of federally supported activity, the federal Office of Research Integrity). After the report passes this review, the Secretary will submit it to the Academic Integrity Officer.
9. The Executive Secretary will monitor the treatment of individuals involved in cases of misconduct, including the complainant, respondent, witnesses, and members of the Screening Subcommittee, Discovery Subcommittee, and Hearing Panel. The Secretary will report to the Academic Integrity Officer any instances or allegations of retaliation from other members of WVU in the terms and conditions of their employment, academic standing, or other status at the University.
10. The Executive Secretary will ensure that the respondent is kept informed of the progress of the respondent's case, from the initial work of the Screening Subcommittee through the final action of the Deciding Official.
11. The Executive Secretary will take steps to ensure that confidentiality is maintained throughout a case of academic misconduct.
12. The Executive Secretary will serve as a member of the Academic Integrity Policy Committee.
13. The Executive Secretary will report to the Academic Integrity Officer. In addition to the duties listed above, the Secretary will perform any other duties related to academic integrity assigned by the Officer.

# Academic Integrity Committee

The Academic Integrity Committee is a standing committee on each campus whose members are available for appointment to the Screening Subcommittee responsible for conducting inquiries into alleged cases of academic misconduct and the Discovery Subcommittee responsible for initiating investigations in such cases.

## Appointment and Qualifications

1. Members of the Academic Integrity Committee will be appointed by the Academic Integrity Officer. Members will be selected so that the committee has the necessary expertise to identify, collect, and evaluate evidence related to allegations of academic misconduct, interview the principals and key witnesses, consider pertinent issues, and so forth. The members will include: (a) representatives of the faculty, one of whom will serve as the committee's chair; (b) representatives of the staff; (c) the campus's Executive Secretary who will serve as a non-voting *ex officio* member; and (d) a legal counselor who will serve as a non-voting *ex officio* member.
2. Each campus will have its own Academic Integrity Committee. However, depending on the size of the campus, the diversity of the activity there, and thus the expertise available, it may not be possible for all members of the Committee to be employed on that campus. Therefore, to ensure that the necessary range of expertise is represented on the Committee, some members may be from other campuses.
3. The rules for composing each campus's Academic Integrity Committee will be decided on that campus, subject to the approval of the Academic Integrity Policy Committee (the specific responsibilities of the Policy Committee are listed separately; see the section entitled *Academic Integrity Policy Committee*). The approved rules will be included as an appendix to this document.

## Responsibilities of the Chair

1. The Chair of the Academic Integrity Committee is responsible for appointing the members of the Screening Subcommittee and the Discovery Subcommittee. In making the appointments, the Chair will ensure that these subcommittees are free of bias and real or apparent conflicts of interest, and that they have the expertise necessary to carry out a thorough and authoritative evaluation of the relevant evidence. Whenever possible, the Chair will form the subcommittees by drawing on the pool of talent in the Academic Integrity Committee. The Chair may, however, appoint other individuals whose experience or expertise is needed. (The specific responsibilities of the subcommittees are listed separately; see the sections entitled *Screening Subcommittee* and *Discovery Subcommittee*.)
2. The Chair will serve as a member of the Screening Subcommittee.
3. If the Screening Subcommittee decides that there is sufficient evidence to warrant an investigation, the Chair will form the Discovery Committee to begin conducting the investigation. The Chair will give the respondent an opportunity (typically one week) to

object to the membership of the Discovery Subcommittee before making the appointments final. (For specific information about the appointment of the Discovery Subcommittee, see the section entitled *Discovery Subcommittee*.)

4. When the membership of the Discovery Subcommittee is established, the Chair will present the Discovery Subcommittee with the Screening Subcommittee's findings and will define the subject matter of the investigation in a written charge that describes the allegations and related issues identified by the Screening Subcommittee, defines academic misconduct, and identifies the respondent. (For additional details, see the section entitled *Discovery Subcommittee*.)
5. If the activity in question is funded by an external agency, the Chair will work with the Executive Secretary to inform the Screening Subcommittee and Discovery Subcommittee of any reporting requirements that might be imposed by the agency or an associated office such as the federal Office of Research Integrity.
6. The Chair will serve as a member of the Academic Integrity Policy Committee.
7. The Chair will keep the Executive Secretary informed about cases of academic misconduct under inquiry or investigation.

## **Screening Subcommittee**

The Screening Subcommittee is a standing committee consisting of the Chair of the Academic Integrity Committee and at least two other members of the Committee who review each allegation of academic misconduct to decide whether the allegation falls under the purview of this policy and, if so, whether it merits investigation.

### **Appointment and Qualifications**

1. The Chair of the Academic Integrity Committee will serve as the Chair of the Screening Subcommittee. The Chair will appoint two additional voting members, drawing from the pool of available faculty and staff members in the Academic Integrity Committee, to serve on the standing Screening Subcommittee. If, in any particular case, the standing Subcommittee lacks sufficient expertise to review the allegation and conduct a thorough and authoritative evaluation of the relevant evidence, the Chair may appoint additional *ad hoc* voting members. The *ad hoc* appointments may be scientists, artists, musicians, or other scholars, subject matter experts, administrators, lawyers, or other qualified persons including students, and they may be from inside or outside the University.

### **Responsibilities**

1. The Executive Secretary will present any allegation of academic misconduct in writing to the Chair of the Academic Integrity Committee. The Screening Subcommittee's work begins when the Chair convenes a meeting to consider the allegation.

2. The Chair of the Screening Subcommittee will notify the respondent of the allegation within one week of the Subcommittee's initial meeting.
3. The Subcommittee will assess the allegation to decide whether it falls within the definition of academic misconduct and provides sufficient information to proceed with an inquiry. If the Subcommittee decides that the allegation falls within the purview of this policy, then it will initiate the inquiry process immediately.
4. The purpose of the Screening Subcommittee's inquiry is to make a preliminary evaluation of the available evidence and, if appropriate, the testimony of the respondent, complainant, and key witnesses to determine whether there is sufficient evidence of possible academic misconduct to warrant a full-fledged investigation. The purpose of the inquiry is *not* to reach a final conclusion about whether misconduct definitely occurred or who was responsible.
5. The Screening Subcommittee will obtain and consider pertinent evidence in sufficient detail to decide whether an investigation is warranted. Depending on the circumstances of the individual case, the Screening Subcommittee may need to sequester research records, either to review them or to safeguard them as evidence that may be needed in subsequent stages of the case. The Subcommittee also may interview the complainant, the respondent, or other witnesses. The Screening Subcommittee will *not* conduct a full-fledged investigation, nor is it necessarily obligated to conduct interviews, sequester records, and so forth.
6. The scope of the inquiry may be expanded from the original allegation as warranted by information obtained by the Screening Subcommittee.
7. If the Screening Subcommittee decides that the allegation does *not* merit an investigation, then the Subcommittee will prepare a report to that effect. The report will state: (a) the name and title of the Subcommittee members and the respondent; (b) the allegation; (c) the extent and source of any external funding; (d) a summary of the inquiry process, including any departures from the prescribed procedures and the reasons for them; (e) a list of the records reviewed; (f) summaries of any interviews; (g) a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; (h) the Subcommittee's reasons why an investigation is not warranted; (i) recommendations about whether any other actions should be taken; and (j) if the activity in question was funded by an external agency, any additional information required by that agency. The report may contain minority opinions written by members of the Subcommittee. The Academic Integrity Committee's legal counselor will be given one week to review the report for legal sufficiency. The Executive Secretary will review the report for adherence to the requirements listed above, as well as the requirements of any external agency that may be involved in the case, before submitting it to the Academic Integrity Officer.
8. If the Screening Subcommittee decides that the allegation *does* merit investigation, then the case will advance to the Discovery Stage. In such a case, the Subcommittee will prepare a report of its findings to guide the investigation to be conducted by the Discovery Subcommittee. The report will state: (a) the name and title of the Subcommittee members and the respondent; (b) the allegation; (c) the extent and source of any external funding; (d) a summary of the inquiry process, including any departures from the prescribed procedures

and the reasons for them; (e) a list of the records reviewed; (f) summaries of any interviews; (g) a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted; and (h) the Subcommittee's reasons why an investigation is warranted. The report may contain minority opinions written by members of the Subcommittee. The Academic Integrity Committee's legal counselor will be given one week to review the report for legal sufficiency. The Chair of the Academic Integrity Committee will incorporate the Screening Subcommittee's findings into a formal written charge for the Discovery Subcommittee and transmit the charge to the Discovery Subcommittee (see the section entitled *Discovery Subcommittee*).

9. If the Screening Subcommittee decides that the allegation *does* merit investigation, then the Chair of the Academic Integrity Committee may take steps to sequester any additional pertinent records that were not previously sequestered during the inquiry. This sequestration should occur before or at the time the respondent is notified that an investigation will be conducted. The need for additional sequestration of records may occur for any number of reasons, including the University's decision to investigate additional allegations not considered during the inquiry stage or the identification of records during the inquiry process that had not been previously secured.
10. The Screening Subcommittee will complete its report within 60 calendar days of its first meeting. If this time limit is exceeded, the Subcommittee will document the reasons as part of the record of the case.

## **Discovery Subcommittee**

If an investigation is warranted, the Chair of the Academic Integrity Committee will form a Discovery Subcommittee to conduct a thorough investigation and form an opinion about whether the preponderance of the evidence is sufficient to warrant a hearing. If the evidence is sufficient, the Subcommittee calls for a hearing and a Hearing Panel completes the investigation process and writes an investigation report; otherwise, the Subcommittee writes the report and submits it to the Academic Integrity Officer.

### **Appointment and Qualifications**

1. The Chair of the Academic Integrity Committee will name at least three voting members of the Discovery Subcommittee, drawing from the pool of available faculty and staff members in the Academic Integrity Committee. In addition, the Chair may appoint as many *ad hoc* voting members as may be needed to ensure appropriate expertise. The *ad hoc* members may be scientists, artists, musicians, or other scholars, subject matter experts, administrators, lawyers, or other qualified persons including students, and they may be from inside or outside the University. The Executive Secretary and the Academic Integrity Committee's legal counselor will serve as non-voting *ex officio* members.
2. Before the appointments are final, the Chair of the Academic Integrity Committee will send the respondent a list of the proposed membership of the Discovery Subcommittee, and will give the respondent a reasonable amount of time (typically one week) to raise objections



about the membership. The Chair may, but is not obligated to, replace members based on the respondent's written objections.

3. The Discovery Subcommittee will select one of its members to serve as chair.

## **Responsibilities**

1. When the membership of the Discovery Subcommittee is established, the Chair of the Academic Integrity Committee will present the Subcommittee with the Screening Subcommittee's findings and will define the subject matter of the investigation in a written charge that describes the allegations and related issues identified by the Screening Subcommittee, defines academic misconduct, and identifies the respondent. The charge will state that the Subcommittee is to evaluate the evidence and testimony of the respondent, complainant, and key witnesses to form an opinion whether, based on a preponderance of the evidence, academic misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The Chair also will review the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. Where appropriate, the instructions also will include any requirements of external agencies, for example, agencies that may have granted financial support for the activity in question. The Chair of the Academic Integrity Committee will provide the Discovery Subcommittee with a copy of these instructions.
2. During the investigation, if additional information becomes available that substantially changes the subject matter of the investigation or would suggest additional respondents, the Discovery Subcommittee will notify the Chair of the Academic Integrity Committee, who will determine whether it is necessary to notify the respondent of the new subject matter or to provide notice to additional respondents.
3. The investigation normally will involve examination of all relevant documentation including, but not necessarily limited to, research records, computer files, proposals, manuscripts, publications, correspondence, memoranda, notes of telephone calls, works of art, or records of artistic performances. Whenever possible, the Discovery Subcommittee should interview all individuals who might have information regarding aspects of the alleged misconduct. The Discovery Subcommittee will provide the respondent with an opportunity to be interviewed by, and present evidence to, the Subcommittee. If appropriate, the Discovery Subcommittee also may provide the complainant with this opportunity. Interviews of the respondent should be tape recorded or transcribed. All other interviews should be transcribed, tape recorded, or summarized. Summaries or transcripts of the interviews should be prepared, provided to the interviewed party for comment or revision, and included as part of the record of the case.
4. When the Discovery Subcommittee reaches a preliminary decision, it will give the respondent a report of this decision and a summary of the evidence supporting it. The Subcommittee will give the respondent an opportunity (typically one week) to offer written comments for the Subcommittee's consideration before reaching a final decision.

5. If the Discovery Subcommittee finds no academic misconduct (either because it decides that no misconduct occurred or because there is insufficient evidence to support a finding of misconduct), then the Subcommittee writes a report to that effect and submits it to the Academic Integrity Officer. The report will state: (a) the name and title of the Subcommittee members and the respondent; (b) the allegation; (c) the extent and source of any external funding; (d) a summary of the investigation process, including any departures from the prescribed procedures and the reasons for them; (e) a list of the records reviewed; (f) the names of persons who were interviewed and summaries of the interviews; (g) summaries of the evidence; (h) the Subcommittee's decision; (i) the Subcommittee's reasons for its decision; (j) recommendations about whether any other actions should be taken; and (k) if the activity in question was funded by an external agency, any additional information required by that agency. The report may contain minority opinions written by members of the Discovery Subcommittee. The Academic Integrity Committee's legal counselor will be given one week to review the report for legal sufficiency. The Executive Secretary will review the report for adherence to the requirements listed above, as well as the requirements of any external agency that may be involved in the case, before submitting it to the Academic Integrity Officer.
6. If the Discovery Subcommittee decides that there is sufficient evidence of academic misconduct to warrant a hearing, then the Subcommittee will: (a) call on the Academic Integrity Officer to form a Hearing Panel and arrange a hearing; (b) inform the respondent in writing of the Subcommittee's decision and the justification for it; and (c) provide the respondent with full access to the evidence assembled or considered by the Subcommittee.
7. The Discovery Subcommittee will be informed of the proposed members of the Hearing Panel and given an opportunity (typically one week) to raise objections about the membership. The Subcommittee will provide any objections in writing to the Academic Integrity Officer, including a justification for the objections, for the Officer's consideration.
8. If a hearing is called, the Discovery Subcommittee will prepare a case for presentation to the Hearing Panel. The Subcommittee may elect to have the Academic Integrity Committee's legal counselor present the case on the Subcommittee's behalf, or one or more members of the Subcommittee may present the case.
9. The Chair of the Academic Integrity Committee will have 30 days after the completion of the Screening Subcommittee's inquiry to appoint the Discovery Subcommittee and present the Subcommittee with its charge.
10. The Discovery Subcommittee will decide whether to call for a hearing within 60 calendar days of receiving the written charge from the Chair of the Academic Integrity Committee. If the Subcommittee finds no academic misconduct, the Subcommittee may take another 45 calendar days before submitting its report to the Academic Integrity Officer.

# Hearing Panel

Upon request of the Discovery Subcommittee, the Academic Integrity Officer will name a Hearing Panel that will reach a final decision about whether academic misconduct has occurred. The Hearing Panel is the only body that can decide that a respondent committed academic misconduct.

## Appointment and Qualifications

1. The Academic Integrity Officer will name a Hearing Panel consisting of at least five members whose seniority and experience qualify them to judge the technical evidence to be introduced. The Officer will ensure that the Panel is free of bias and real or apparent conflict of interest. The members of the Panel should have had no substantive involvement in any review, inquiry, or investigation related to the allegation of misconduct. At least one member will be from the respondent's college, school, or major administrative unit, and at least two will be from outside the college, school, or unit. Members may be appointed from outside WVU.
2. Before the appointments are final, the Academic Integrity Officer will send the respondent and the Discovery Subcommittee a list of the proposed membership of the Hearing Panel, and will give the respondent and the Subcommittee a reasonable amount of time (typically one week) to raise objections about the membership. The Officer may, but is not obligated to, replace members based on any written objections.

## Hearing

1. The Academic Integrity Officer, in consultation with the Chair of the Academic Integrity Committee, will prepare a formal written charge listing the allegations of misconduct against the respondent.
2. The Academic Integrity Officer will schedule the hearing.
3. The hearing is not adversarial in nature, and the formal rules of evidence do not apply. Each side will be given an opportunity to present opening arguments at the outset of the hearing. The Discovery Subcommittee then will present its case; the respondent's defense will follow. Witnesses may be called by either side. If either side calls witnesses, the other side is entitled to cross-examine them. Each side may present evidence. Each side will be given an opportunity to present closing arguments. Members of the Hearing Panel may question the principals in the case or their witnesses.
4. The hearing will be recorded, and a written summary will be prepared. The recording and the summary will be maintained as part of the record of the case.
5. The Discovery Subcommittee may be represented by the Academic Integrity Committee's legal counselor or by one or more members of the Subcommittee. The respondent may be represented by legal counsel or a non-legal adviser who may consult with the respondent during the hearing and speak on the respondent's behalf.

6. The burden of proof is on the Discovery Subcommittee. Any finding of misconduct by the Hearing Panel will be established by a preponderance of the evidence. This means that the evidence shows that it is more likely than not that the respondent committed academic misconduct.

## **Responsibilities of the Panel**

1. The Hearing Panel will act as impartial judges, hearing the evidence and arguments presented by the Discovery Subcommittee and the respondent, and then deciding whether the respondent committed misconduct as charged.
2. If evidence comes to light that, in the opinion of the Hearing Panel, requires additional investigation, then the Panel may suspend the hearing to allow such investigation, either on its part or on the part of some other party it designates.
3. After considering the testimony, evidence, and arguments presented at the hearing, the Hearing Panel will decide whether the alleged misconduct has occurred, report its decision in writing, and submit the report to the Academic Integrity Officer. The report will state: (a) the name and title of the members of the Hearing Panel, the Discovery Subcommittee, the Screening Subcommittee, and the respondent; (b) the allegation; (c) the extent and source of any external funding; (d) a summary of the procedures followed by the Screening Subcommittee and Discovery Subcommittee, as well as by the Hearing Panel; (e) a description of any departures from the prescribed procedures and the reasons for them; (f) the names of persons providing testimony and summaries of the testimony; (g) summaries of the evidence; (h) the Panel's decision; (i) the Panel's reasons for its decision; (j) recommendations about whether any other actions should be taken; and (k) if the activity in question was funded by an external agency, any additional information required by that agency. The report may contain minority opinions written by members of the Panel. A summary of the hearing will be part of the report, along with any documentary evidence deemed appropriate by the Panel. The University Counsel or designee will review the report for legal sufficiency. The Executive Secretary will review the report for adherence to the requirements listed above, as well as the requirements of any external agency that may be involved in the case, before submitting it to the Academic Integrity Officer.
4. The Hearing Panel should complete its work in 45 calendar days.

## **Deciding Official**

The Deciding Official is responsible for determining the institution's final course of action in response to an allegation of academic misconduct. At WVU, the Deciding Official is the President or the President's designee.

1. The Deciding Official should have no substantive involvement in any review, inquiry, investigation, or hearing related to the allegation of misconduct.

2. At the conclusion of the proceedings, the Deciding Official will receive the pertinent report written by the Screening Subcommittee, the Discovery Subcommittee, or the Hearing Panel, as well as any written comments about the report provided by the respondent. The Deciding Official will review and evaluate the report and comments, and determine whether to impose sanctions and whether to take other appropriate administrative actions pertinent to the case or with respect to other matters uncovered by the proceedings. The Official may consult with the Academic Integrity Officer, the Chair of the Academic Integrity Committee, or other appropriate individuals in reaching a decision.
3. If academic misconduct has been found, the Deciding Official may impose a range of sanctions. Included among them are the following: withdrawal or correction of relevant publications; removal of the responsible person from the project, a letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible reduction in rank or termination of employment; restitution of funds as appropriate; and notification of professional or other organizations regarding credentials or other revocations resulting from the action taken by the University.
4. The Deciding Official will direct the Academic Integrity Officer or other institutional officer to send copies of the report and any other appropriate information about the outcome of the case to the respondent, the Chair of the Academic Integrity Committee, and others deemed appropriate. In cases where the activity was funded by an external agency, the Academic Integrity Officer will ensure that the agency receives the report and the Official's decision in the form required by the agency.
5. The Deciding Official will direct the Academic Integrity Officer or other institutional officer to provide appropriate information about the outcome of the case in writing to the respondent's personnel file, the complainant, as well as to other committees, agencies, or individuals deemed appropriate by the Official, the Academic Integrity Officer, and the Chair of the Academic Integrity Committee. For example, if misconduct has been found, notices might be sent to law enforcement agencies, professional societies, licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent, or University committees that regulate research. If misconduct has not been found, the Deciding Official will direct the Academic Integrity Officer to undertake, in consultation with the respondent, diligent efforts to restore the respondent's reputation. Depending on the particular circumstances, the Officer may notify those individuals aware of or involved in the case of the final outcome, publicize the final outcome in forums in which the allegation of misconduct was previously publicized, or expunge all references to the misconduct from the respondent's personnel file.
6. If relevant, the Deciding Official will determine whether the complainant's allegations of academic misconduct were made in good faith. If an allegation was not made in good faith, the Official will determine whether any administrative action should be taken against the complainant.
7. The Deciding Official should carry out these responsibilities in a timely fashion. The Deciding Official should have at least 15 calendar days in which to complete the responsibilities listed in Items 2 through 4.

# Respondent

The respondent is the person against whom an allegation of academic misconduct is directed or the person whose actions are the subject of the inquiry or investigation. (There can be more than one respondent in a given case, but for simplicity the singular form is used throughout this document.)

1. The respondent will be kept informed of the progress of the respondent's case, from the initial work of the Screening Subcommittee through the final action of the Deciding Official.
2. If appropriate, the respondent may have the opportunity to be interviewed by, and present evidence to, the Screening Subcommittee during its inquiry.
3. If an investigation is warranted, the respondent will be informed of the proposed members of the Discovery Subcommittee that will conduct the investigation. The respondent will be given an opportunity (typically one week) to raise objections about the membership. The respondent will provide the objections in writing to the Chair of the Academic Integrity Committee, including a justification for the objections for the Chair's consideration.
4. The respondent will have an opportunity to be interviewed by, and present evidence to, the Discovery Subcommittee.
5. When the Discovery Subcommittee reaches a preliminary decision about the respondent's case, the respondent will be given a report of this decision and a summary of the evidence supporting it. The respondent will be given an opportunity (typically one week) to offer written comments for the Subcommittee's consideration before the Subcommittee reaches a final decision.
6. If the Discovery Subcommittee decides to call for a hearing, the respondent will be informed in writing of the Subcommittee's decision and the justification for it, and provided full access to the evidence assembled or considered by the Subcommittee.
7. The respondent will be informed of the proposed members of the Hearing Panel. The respondent will be given an opportunity (typically one week) to raise objections about the membership. The respondent will provide the objections in writing to the Academic Integrity Officer, including a justification for the objections for the Officer's consideration.
8. The respondent will be given a reasonable opportunity to prepare a defense for the Hearing Panel.
9. At the hearing, the respondent has the right to testify, present arguments and evidence, call witnesses, and cross-examine witnesses called by the Discovery Subcommittee.

10. The respondent may secure legal counsel or a non-legal adviser for advice and assistance throughout the case. The counselor or adviser may accompany the respondent in interviews by the Screening Subcommittee, Discovery Subcommittee, and Hearing Panel, and in other meetings regarding the case. In a hearing, the counselor or adviser may present the respondent's case to the Hearing Panel, examine and cross-examine witnesses, and so forth. The counselor or adviser may not, however, testify in place of the respondent or participate directly in the work of the Screening Subcommittee or the Discovery Subcommittee.
11. The respondent has the right to a copy of any inquiry or investigation report in the case, and a reasonable amount of time (typically one week) in which to prepare written comments about the report. The comments will be retained in the records of the case.
12. The respondent is responsible for cooperating with the conduct of an inquiry or investigation, and for maintaining confidentiality.
13. If academic misconduct is not found, the respondent has the right to receive the University's assistance in restoring his or her reputation.
14. The respondent will be protected from retaliation.

## **Complainant**

The complainant is the person who makes an allegation of academic misconduct. (There can be more than one complainant in a given case, but for simplicity the singular form is used throughout this document.)

1. The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with an inquiry or investigation.
2. If appropriate, the complainant may have an opportunity to be interviewed by the Screening Subcommittee or the Discovery Subcommittee, or to testify before the Hearing Panel. If the complainant is interviewed by the Discovery Subcommittee, the Subcommittee will give the complainant an opportunity (typically one week) to review a summary or transcript of the interview for comment or revision.
3. The complainant will be informed of the results of the case. However, the complainant will not necessarily be given a full report of the procedures used in any inquiry, investigation, or hearing; the evidence considered; and so forth.
4. The complainant will be protected from retaliation.
5. Regardless of whether misconduct is found, a complainant who has acted in good faith has the right to receive the University's assistance in protecting his or her reputation.

# Academic Integrity Policy Committee

The Academic Integrity Policy Committee is a standing committee that informs the University community about the institution's policy and procedures for responding to academic misconduct, monitors the implementation of the policy and procedures, and, when appropriate, recommends changes in the policy and procedures.

1. The Policy Committee will consist of: (a) The chair of each campus's Academic Integrity Committee; (b) each campus's Executive Secretary; (c) a liaison to the Faculty Senate, designated by the Faculty Senate; (d) a liaison to the Staff Council, designated by the Staff Council; (e) a graduate student appointed by the Academic Integrity Officer; (f) a representative from the Office of Sponsored Programs; (g) a legal counselor; and (h) the Academic Integrity Officer who will serve as a non-voting *ex officio* member.
2. The Policy Committee will elect as its chair one of the voting members of the campus Academic Integrity Committees. The chair of the Policy Committee will serve a two-year term, and may *not* be elected to more than two consecutive terms.
3. The Policy Committee will meet as a whole at least once annually, and more often if business demands. The Committee may appoint subcommittees to perform specific functions. Members of the subcommittees need not be members of the Policy Committee.
4. The Policy Committee will review, at least annually, the operation of the Academic Integrity Committees on each campus.
5. The Policy Committee will be responsible for the promulgation of the University's policy and procedures on academic misconduct to faculty, staff, students, administrators, and other members of the University community
6. The Policy Committee will write an annual report on the status of academic integrity issues at WVU. The report will be presented to the President of the University, the president of each campus, the Faculty Senate, the Staff Council, organizations dealing with research or teaching protocols (such as the Office of Sponsored Programs, the Animal Care and Use Committee, and the Institutional Review Board for the Protection of Human Subjects), other research units, and the University community at large.
7. As needed, the Policy Committee will propose revisions to the University's policy or procedures on academic misconduct.



## Part Three

# Other Administrative Issues

This part addresses miscellaneous issues that may arise in cases of misconduct.

### **Termination of Respondent's Employment Before Completing the Process**

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of academic misconduct has been reported, will not preclude or terminate the misconduct procedures.

If the respondent, without admitting to the misconduct, elects to resign his or her position prior to the initiation of an inquiry, but after an allegation has been reported, or during an inquiry, investigation, or hearing, the process will continue. If the respondent refuses to participate in the process after resignation, the committee or panel will make its best effort to carry out its responsibilities, noting in its report the respondent's failure to cooperate and its effect on the review of the evidence.

### **Interim Administrative Actions**

At the direction of the Academic Integrity Officer, University officials will take interim administrative actions, as appropriate, to protect federal funds and ensure that the purposes of the federal financial assistance are carried out.

Once a matter related to academic integrity has been presented to the Academic Integrity Officer and an inquiry has been initiated, the process described in this document will carry on to its logical conclusions independent of any interim administrative actions taken by persons in the chain of command of the participants in the allegation.

# Glossary

***Academic Integrity Committee.*** A standing committee appointed by the Academic Integrity Officer whose members compose the Screening Subcommittee responsible for conducting inquiries into alleged cases of academic misconduct and the Discovery Subcommittee responsible for conducting investigations in such cases. Each WVU campus has its own Academic Integrity Committee; the rules for forming each committee are described in appendices to this document.

***Academic Integrity Officer.*** Institutional official responsible for oversight of all matters pertaining to academic integrity on all WVU campuses. The Academic Integrity Officer is appointed by the President of WVU and reports to the President.

***Academic Integrity Policy Committee.*** A standing committee that informs the University community about this policy, monitors the implementation of the policy, and, when appropriate, recommends changes in the policy.

***Academic misconduct.*** Fabrication, falsification, plagiarism, or other practices that seriously deviate from those that are commonly accepted within the scholarly community for: (a) proposing, conducting, or reporting research; (b) teaching; (c) learning, and (d) providing institutional, community, or professional service. “Academic misconduct” does not include honest error or honest differences of opinion in interpretations or judgments of data, pedagogy, or professional practices. It does, however, include material failure to comply with federal, state, or institutional requirements related to research, teaching, learning, and service.

***Allegation.*** Any written or oral statement or other indication of possible academic misconduct made to an institutional official.

***Animal Care and Use Committee.*** A standing committee responsible for reviewing and approving or disapproving work involving live, vertebrate, nonhuman organisms in research, instruction, testing, or exhibition, and for ensuring institutional compliance with federal regulations. The Animal Care and Use Committee ensures that the use of animals is necessary and justified; that the animals do not suffer unnecessary discomfort, pain, or injury; and that the animals receive proper maintenance and husbandry.

***Complainant.*** A person who makes an allegation of academic misconduct. (There can be more than one complainant in a given case, but for simplicity the singular form is used throughout this document.)

***Conflict of interest.*** Interference of one person's interests with the interests of another person, where potential bias may occur due to prior or existing personal or professional relationships.

***Deciding Official.*** The individual responsible for deciding the institution’s final actions in response to an allegation of academic misconduct. At WVU, this is the President or the

President's designee. The Deciding Official should have no substantive involvement in any review, inquiry, investigation, or hearing related to the allegation.

***Discovery Subcommittee.*** A subcommittee of the campus Academic Integrity Committee responsible for investigating potential instances of academic misconduct. If the evidence suggests that misconduct occurred, the Discovery Subcommittee presents the evidence to a Hearing Panel for a final decision.

***Executive Secretary.*** A high-level administrator who provides support for the campus Academic Integrity Committee and acts as a liaison between the Committee and the Academic Integrity Officer. Each WVU campus has its own Executive Secretary.

***Good faith allegation.*** An allegation made with the honest belief that academic misconduct may have occurred. An allegation is not in good faith if it is made with reckless disregard for or willful ignorance of facts that would disprove the allegation, or if relevant prior relationships between the complainant and the respondent are suppressed in the allegation.

***Hearing Panel.*** An *ad hoc* committee responsible for hearing cases of alleged academic misconduct brought by a Discovery Subcommittee and reaching a final decision about whether misconduct has occurred.

***Inquiry.*** Gathering information and initial fact-finding to determine whether an allegation or apparent instance of academic misconduct warrants an investigation.

***Institutional Biohazards Committee.*** University committee established by mandate of the federal government. To help ensure a safe working environment, the University has charged the Committee with overseeing all activities that pose a biohazard, not just those involved in recombinant DNA research as required by federal regulations. Accordingly, the Committee must approve all activities that involve recombinant DNA; infectious agents of plants, animals, and humans; or use of serum or tissue from humans or subhuman primates.

***Institutional Review Board for the Protection of Human Subjects.*** A standing committee responsible for reviewing and approving or disapproving research involving humans. The Institutional Review Board protects the rights and welfare of individuals who serve as subjects of research conducted by faculty, staff, and students, and ensures institutional compliance with federal regulations.

***Investigation.*** Formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.

***Learning.*** Acquisition of knowledge, understanding, or skill by study, instruction, research, or experience.

***Misconduct.*** See *academic misconduct*. In this document, the unqualified term “misconduct” refers to academic misconduct.

***Office of Radiation Safety.*** University office responsible for promoting the safe use of ionizing radiation and radioactive materials at WVU and at West Virginia University Hospitals, Inc.

The Office oversees compliance with federal and state regulations regarding the use of radiation; provides support through training and inventory management; and must approve all uses of radiation and radioactive materials.

**Office of Research Integrity.** An office of the Public Health Service within the U.S. Department of Health and Human Services. The Office of Research Integrity is responsible for protecting the integrity of research programs funded by the Public Health Service. It fulfills its responsibility, in part, by developing and promulgating policies, procedures, rules, and regulations, and by ensuring that universities and other institutions comply with them.

**Preponderance of the evidence.** The level of proof required to establish the occurrence of academic misconduct. The requirement is met if the evidence shows that it is more likely than not that the respondent committed academic misconduct.

**Research.** Creation and synthesis of knowledge, creation of new approaches to understanding and explaining phenomena, development of new insights, critical appraisal of the past, artistic creation and performance, and application of knowledge and expertise to address needs in society and in the professions. In this document, then, the term "research" is defined broadly:-

**Research record.** Any data, document, computer file, computer diskette, production, record of a performance, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research that constitutes the subject of an allegation of academic misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; 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; animal facility records; human and animal subject protocols; consent forms; medical charts; patient files, works of art, and records of artistic performances.

**Respondent.** Person against whom an allegation of academic misconduct is directed or the person whose actions are the subject of the inquiry or investigation. (There can be more than one respondent in a given case, but for simplicity the singular form is used throughout this document.)

**Retaliation.** Any action that adversely affects the employment or other institutional status of an individual that is taken by an institution or an employee because the individual has, in good faith, made an allegation of academic misconduct, or of inadequate institutional response thereto, or has cooperated in good faith with a review, inquiry, or investigation of such an allegation.

**Scientific misconduct.** 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. "Scientific misconduct" does not include honest error or honest differences in interpretations or judgments of data.

**Screening Subcommittee.** A subcommittee of the campus Academic Integrity Committee responsible for the initial inquiry in a case of academic misconduct. The Screening Subcommittee reviews each allegation of misconduct and decides whether the allegation merits a full investigation by a Discovery Subcommittee.

**Service.** Application of the benefits and products of teaching and research to address the needs of society and the profession. “Service” includes activities on behalf of the University, the state, and the nation.

**Teaching.** The dissemination of knowledge, the stimulation of critical thinking, and the development of artistic expression. “Teaching” includes not only traditional modes of instruction such as the classroom lecture, but also modes such as clinical, laboratory, and practicum instruction; thesis and dissertation direction; evaluation and critique; advising; and various forms of continuing education and non-traditional instruction.