



University of Wisconsin-Green Bay Guidelines on Research Misconduct by Unclassified Faculty and Staff

Background: To proactively prevent Research Misconduct, the University of Wisconsin-Green Bay requires all faculty and staff receiving extramural funding to comply with established campus policies, guidelines, and associated trainings on Responsible Conduct of Research (<https://www.uwgb.edu/research/research-compliance-and-training/responsible-conduct-of-research/>) and Conflict of Interest (<https://www.uwgb.edu/research/research-compliance-and-training/conflict-of-interest/>). Specific policies, guidelines, and processes associated with alleged actions of Research Misconduct are described below.

Recognizing that honesty in the conduct of academic research is fundamental to the University of Wisconsin-Green Bay's (UWGB) credibility and maintenance of public trust, UWGB adopts these guidelines and procedures for reviewing and investigating allegations of research misconduct by unclassified faculty and staff. Ultimately, all internal guidelines are derived from existing policies of the University of Wisconsin-System through Chapter UWS 8: Unclassified Staff Code of Ethics" (http://docs.legis.wisconsin.gov/code/admin_code/uws/8), and the UWGB Faculty Handbook UWGB Chapter 7 Outside Activities and Conflict of Interest" (<https://www.uwgb.edu/sofas/rules/facultyhandbook.pdf>). Both chapters state, "Every faculty member, at the time of appointment, makes a personal commitment to professional honesty and integrity, to seek knowledge and to share that knowledge freely with others."

Guidelines and Definition:

For purposes of these guidelines, "misconduct in research" or "misconduct" means fabrication, falsification, plagiarism or other practices that seriously deviate from those that are commonly accepted within the research community for proposing, conducting, or reporting research. Misconduct in research is prohibited at the UW-Green Bay, and may be cause for discipline or dismissal. The policies and processes by which such occurrences are reported, investigated, decided upon, and the outcomes thereof are detailed in UWGB Chapter 6, UWGB Chapter 7, and UWGB Chapter 8 of the Faculty Handbook and the Code of Ethics and Complaints and Grievances sections of the UW-Green Bay Employee Handbook (<https://www.uwgb.edu/UWGCMS/media/hr/policies/Employee-Handbook-FINAL.pdf?ext=.pdf>).

Procedures:

Informal allegations or reports of possible misconduct in research shall be directed initially to the person with immediate responsibility for the work of the individual against whom the allegations or reports have been made. The person receiving such an informal report or allegation is responsible for either resolving the matter, or encouraging, or submitting a formal allegation or report. Upon receipt of formal allegations or reports of research misconduct, the person with immediate responsibility for the work of the individual against whom the allegations or reports have been made shall immediately inform, in writing, the Dean or Division Head responsible for the academic unit with which the accused individual

is affiliated. The Dean or Division Head is responsible for either resolving the matter in collaboration with the supervisor, or assuring the submission of a formal complaint to the Chancellor.

The Following Excerpt is drawn from UWGB Chapter 6
(<https://www.uwgb.edu/sofas/rules/facultyhandbook.pdf>).

UWGB 6.01 Complaints, states, Complaints are allegations by the administration, students, faculty members, academic staff members, university staff members, or members of the public concerning conduct by a faculty member which violates university rules or which adversely affects the faculty member's performance of his/her obligation to the university, but which are not serious enough to warrant dismissal under UWGB Chapter 4. Any complaint against a faculty member substantial enough to bring about action under provisions of UWS 6.01 or UWGB 6, including those for which the level of intended penalty is the placement of a letter of reprimand in the faculty member's personnel file, must be adjudicated according to the procedures outlined below.

1. Complaints shall be in writing to the Chancellor or to his/her office, describing specifically the alleged misconduct. The misconduct must be clearly delineated in the complaint.
2. The Chancellor shall notify the faculty member who is the subject of the complaint in writing of the specific allegations, the identity of the person or party who made the complaint, and his/her disposition of the complaint.
3. The faculty member who is the subject of the complaint will have the opportunity to respond to the Chancellor about the complaint in writing.
4. The Chancellor may recommend an informal discussion and settlement of the complaint before reviewing and taking action. The informal discussion and settlement route shall follow the upward levels of supervision and employment: department or administrative unit, dean. If the complaint is not settled by this route, it shall be returned to the Chancellor.
5. If the Chancellor deems the complaint substantial, he/she may refer the complaint to the Committee on Rights and Responsibilities for a hearing.
6. The Committee on Rights and Responsibilities is authorized and shall hold a hearing on a complaint at the request of the Chancellor, or at the request of the faculty member concerned if the Chancellor invokes a disciplinary action without requesting a hearing. This request must be made in writing, addressed to the chair of the hearing body within 20 days after receipt of notice of the Chancellor's disciplinary action.
7. The hearing shall be conducted by the Committee on Rights and Responsibilities within 20 days following receipt of the request, except this time limit may be extended by mutual written consent of the parties, or by order of the hearing body. No member of the hearing body who participated in the allegations contained in the complaint or who is a potential witness for or against the faculty member who is the subject of the complaint shall serve on the Committee.

The hearing body may, on motion of either party, disqualify any one of its members for cause by a majority vote. If one or more members disqualify themselves or are disqualified, the

University Committee will select a number of other faculty members equal to the number who have been disqualified to serve on the hearing body for the purpose of that case only.

- a. The Committee on Rights and Responsibilities shall receive a copy of the specific allegation, the identity of the person or party who made the complaint, and the Chancellor's disposition of the complaint, and any other documentation relevant to the complaint.
 - b. The faculty member will be given notice of the hearing at least 10 days prior to the hearing.
 - c. All faculty members have the right to due process and the rights and privileges of academic freedom. This policy shall be observed in determining if the complaint is substantial and provides sufficient grounds for disciplinary action.
 - d. The burden of proof of the existence of misconduct shall be on the person or party making the complaint.
 - e. The hearing body may call witnesses and shall have access to documentary evidence upon which the complaint is based.
 - f. The faculty member may be assisted or represented by a person of his/her choice, at his/her expense. The faculty member has the right to testify on his/her own behalf and may present witnesses but there shall be no direct or cross-examination of the witnesses. Members of the Committee on Rights and Responsibilities may question any witnesses concerning matters relevant to the inquiry.
8. After the hearing, the Committee on Rights and Responsibilities shall recommend to the Chancellor: dismissal of the complaint, or invocation of specific disciplinary actions, or modification of the disciplinary action imposed by the Chancellor.
9. The decision of the Chancellor on the recommendation of the Committee on Rights and Responsibilities, or on the grievance in the absence of a recommendation from the Committee on Rights and Responsibilities, shall be final, except that upon appeal by the faculty member, the Board of Regents, at its option, may grant a review of the case.
10. The faculty member shall not again be investigated or penalized for the same alleged misconduct after a final decision on a previous complaint.

The Following Excerpt is drawn from UWGB Academic Staff Complaint and Grievance Policy

(<http://www.uwgb.edu/UWGBCMS/media/policies/files/AS-Complaint-and-Grievance-HR-14-15-7b-%28002%29.pdf?ext=.pdf>).

The UW-Green Bay Academic Staff complaint procedure and grievance policy establishes a dispute resolution process for academic staff and members of the public. UW-Green Bay has developed a formal

complaint procedure and grievance policy in accordance with [UWS 13](#) and University Personnel System Operational Policy [GEN 14](#) and [GEN 24](#).

A “complaint” is an allegation concerning conduct which violates UW System or UW-Green Bay rules or policies or which adversely affects the employee’s performance or obligations to the University.

“Complaint procedure” means the process through which allegations of conduct that violate the rules or policies of the institution or which adversely affect an employee’s performance or obligation to the university can be brought forward by a UW System employee or member of the public, but are not serious enough to warrant dismissal proceedings under [UWS 11](#).

A “grievance” is a personnel problem alleged by an employee that violates the federal or state constitution, a federal or state law, an employment contract, or a UW System or UW-Green Bay policy.

“Grievance procedure” means the process through which certain working conditions, discipline, or dismissal of a UW System employee can be appealed. All academic staff are eligible to file a grievance through this provision.

Complaints may be submitted by persons other than the academic staff member’s supervisor(s), including administrators, students, faculty, academic staff, university staff or members of the public. Complaints should be filed with the academic staff employees immediate supervisor. In situations where the complaint cannot be resolved informally, formal complaints shall be in writing to the Chancellor describing specifically the alleged misconduct. The misconduct must be clearly delineated in the complaint.

The Chancellor or their designee shall notify the employee who is the subject of the complaint in writing of the specific allegations, the identity of the person or party who made the complaint, and the disposition of the complaint.

The employee who is the subject of the complaint will have the opportunity to respond to the Chancellor or their designee about the complaint in writing.

The Chancellor or their designee may recommend an informal discussion and settlement of the complaint before reviewing and taking action. The informal discussion and settlement route shall follow the upward levels of supervision and employment. If the complaint is not settled by this route, it shall be returned to the Chancellor or their designee. The Chancellor may direct an investigation be conducted documenting the findings and recommendations concerning the enforcement of UWS and UW-Green Bay rules and policies.

If the results of the investigation result in discipline issued to the employee or dismissal of employment the employee may file a grievance in accordance with the provisions of this chapter. If the results of the investigation disclose that the complaint was without foundation, the university officer or management designee shall file such findings and recommendations with the Chancellor. Copies of the recommendations shall be served on all parties of the investigation.

GRIEVANCE PROCEDURES Academic staff employees shall discuss any grievance with their immediate supervisor within 20 working days from the date of awareness of the precipitating action or condition. The supervisor shall give the academic staff member a written decision on the grievance

within 5 working days of the discussion. If the academic staff member is dissatisfied with the decision from the supervisor, he/she may appeal that decision in writing within 7 working days following the date of the written decision. The first avenue of appeal is the immediate superior of the supervisor, or, if this person is directly involved in the grievance, his/her supervisor. The person to whom the appeal is made shall make a determination and communicate this written judgment to the grievant within 5 working days of receipt of the appeal. Grievances upon which a decision has been rendered after completion of the foregoing procedure may be appealed within 15 working days from the date of the final decision to the Chancellor who shall, if requested, arrange for a hearing under the mechanism specified in [UWS 11.03 – 11.07](#).

FREEDOM FROM REPRISAL Grievants, complainants, representatives, witnesses, or potential witnesses are guaranteed freedom from reprisal. Direct or subtle action taken by parties involved in a grievance or complaint intended to harass the complainant or grievant shall be considered reprisal. Normal administrative prerogatives and procedures such as reassignment of duties or employee evaluation are not forms of reprisal unless the intent of harassment can be substantiated. Any complainant or grievant who believes that reprisal is being threatened or effected may bring a statement of facts to the Office of Human Resources or alternate designee who will investigate the situation and report the findings with recommendation to the Chancellor or their designee. The Chancellor or their designee will act upon this recommendation within ten (10) business days of receipt.

Actions Required for Public Health Service (PHS) Funded Research:

A determination that an investigation should be initiated must be reported in writing to the Office of Scientific Integrity (OSI) Director on or before the date the investigation begins. The notification should state the name of the individuals against whom the allegations of scientific misconduct have been made, the general nature of the allegations, and the PHS application or grant number involved.

During the course of the investigation, the granting agency should be apprised of any significant findings that might affect current or potential funding of the individual under investigation or that might require agency interpretation of funding regulations.

The OSI must be notified at any stage of an inquiry or investigation if the university determines that any of the following conditions exist:

- 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 person making the allegations as well as his or her co-investigators and associates, if any.
- It is probable that the alleged incident is going to be reported publicly.
- There is a reasonable indication of possible criminal violation. In that instance, the university must inform OSI within 24 hours of obtaining that information.

If the university is unable to complete the investigation within the 120-day period, UWGB must submit to OSI a written request for an extension and an explanation of the delay including an interim progress report and an estimated date of completion of the investigation. If the request is granted, the institution must file periodic progress reports as requested by OSI. If satisfactory progress is not made in the institution's investigation, the OSI may undertake an investigation of its own.

If the university plans to terminate an inquiry or investigation for any reason without completing all of the relevant requirements, a report of such planned termination, including a description of the reasons for such termination, shall be made to OSI, which will then decide whether further investigation should be undertaken.

Upon completion of the investigation, UW-Green Bay will notify OSI of the outcome in a written report.

Other Actions:

If an allegation of research misconduct is substantiated as a result of an investigation, the Dean or equivalent UWGB authority shall notify all associated agencies or entities funding projects impacted by the action of the investigation. Individuals involved will be asked to withdraw all pending abstracts and papers resulting from the scientific misconduct, and the Dean or equivalent UWGB authority will notify editors of journals in which relevant papers appeared. In addition, other institutions and sponsoring agencies with which the individual has been affiliated shall be notified if, based on the results of the investigation, it is believed that the validity of previous research by the individual under investigation is questionable.

Where research misconduct is substantiated, UW-Green Bay will take appropriate action, which may include discipline or dismissal, with regard to the employment status of the individual or individuals involved.

Where allegations of research misconduct are not substantiated by the investigation, UW-Green Bay shall make diligent efforts to restore the reputations of persons alleged to have engaged in misconduct, and to protect the positions and reputations of those persons who, in good faith, make allegations.

Approved: 6/14/2019