



DEPARTMENT OF THE NAVY
OFFICE OF THE ACADEMIC DEAN AND PROVOST
UNITED STATES NAVAL ACADEMY
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Academic Dean and Provost Instruction 3920.3A

From: Academic Dean and Provost

Subj: INTEGRITY IN RESEARCH AND SCHOLARLY ACTIVITY

Ref: (a) USNAINST 1610.3H
(b) CFR Title 42 Part 50 Subpart A

Encl: (1) Procedures for Reporting Possible Misconduct in Research,
Scholarship, and Related Activities

1. Purpose. To publish policy concerning integrity in faculty research and scholarly activity.
2. Cancellation. ACDEANINST 3920.3.
3. Background and General Policy.

a. The fundamental responsibilities of a faculty member as a teacher and scholar include maintaining competence in his or her field of specialization. Faculty members demonstrate this professional competence in the classroom and in the public arena by such activities as lecturing, publishing, and participating in professional organizations and meetings. For those so engaged, the demonstration of professional competence may also include consulting and service as an expert witness. The exercise of professional integrity by a faculty member includes recognition that the public will judge his or her profession and institution by the faculty member's statements, research, and scholarly activities.

b. In fostering academic freedom, it is the policy of the United States Naval Academy (USNA) to uphold the highest standards of integrity in research, scholarship, and related activity and to protect the right of faculty members to engage in research and scholarly activity. Faculty members are expected to adhere to USNA institutional standards as well as to the particular standards pertaining to research, scholarship, and related activities prescribed for their respective area of endeavor by professional societies and granting agencies. Moreover, faculty members are to encourage adherence to those standards by their colleagues and by those under their supervision. Particularly unacceptable are fabrication, falsification, plagiarism, and other practices that seriously deviate from those that are commonly accepted within the academic community for proposing, conducting, and reporting research. Honest errors or honest differences in interpretations or judgment of data do not constitute misconduct in research, scholarship, or related activities.

4. Procedures. Specific procedures for reporting possible misconduct in research, scholarship, and related activities are provided as enclosure (1). These procedures apply to all individuals engaged in research, including, but not limited to, civilian faculty members, military faculty members, technicians or other staff members, postdoctoral fellows, guest researchers, and collaborators. When an allegation of misconduct in research or scholarship involves midshipmen, the procedures stated in the Honor Concept of the Brigade of Midshipmen will be followed, reference (a). When an allegation of research

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misconduct involves funds received from the Public Health Service (PHS), the provisions of reference (b) will be followed.



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**Procedures for Reporting Possible Misconduct in Research, Scholarship, and
Related Activities**

1. Faculty members have the responsibility both to report apparent occurrences of misconduct and to take steps to correct the record. To the greatest extent possible, the person alleging the misconduct (hereafter referred to as the complainant) should bring the concern directly to the faculty member whose conduct is questioned (hereafter referred to as the respondent). In many cases a person may not be able to determine whether the problem he or she perceives with a research or scholarly project constitutes deliberate misconduct or is the result of inadvertent error. The respondent may be unaware of an error in his or her conduct and grateful to be alerted to this possibility. Exercise of collegial initiative in this regard could enable the respondent to take appropriate corrective action and improve future performance. The complainant may not have interpreted the situation accurately and may thus be incorrect in believing that misconduct has occurred. Direct discussion provides the opportunity to clarify any misunderstandings.

2. Whether reported from within or outside of the institution, the Naval Academy has the responsibility to correct, remediate, and eliminate any apparent or actual misconduct with regard to research, scholarship, or related activities of Naval Academy faculty, staff or students. The initial point of contact for a complaint brought by an individual or an agency outside the Naval Academy is normally the Director of Research and Scholarship, who in turn informs the chair of the department in which the prospective respondent serves. The Director of Research and Scholarship will also identify any outside agency that must be informed of the alleged misconduct and report these findings to the Academic Dean and Provost.

3. Protection of Respondent and Complainant. The Naval Academy will, to the greatest extent possible, protect the respondent and the complainant against capricious actions. Unsupported allegations not brought in good faith may lead to disciplinary action against the complainant. Similarly, acts of retaliation for good faith allegations may lead to disciplinary action against the responsible party. The academy will make every effort to protect the reputations of persons alleged to have engaged in research or scholarly misconduct when allegations are not confirmed. The Naval Academy will also seek to protect to the greatest extent possible the positions and reputations of those persons who made allegations in good faith.

4. If the complainant believes that the respondent's explanation is inappropriate or inadequate, or if the complainant believes direct communication with the respondent is not feasible, the concerns should be brought to the attention of the faculty member's department chair, who then informs the Director of Research and Scholarship. The department chair, with the assistance of the Director of Research and Scholarship and the Vice Academic Dean, begins the first phase of the procedure, which is the PRELIMINARY INQUIRY into any suspected or alleged instance of misconduct to determine whether an investigation is warranted. If the department chair has a conflict of interest in a particular case, the matter must be referred to the division director for action.

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5. Preliminary Inquiry. The Preliminary Inquiry is meant to distinguish serious incidents of possible scholarly misconduct from trivial mistakes and to resolve simple issues quickly and with as much discretion as possible. In the Preliminary Inquiry, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted.

a. Inquiry Process. After careful review of the applicable institutional procedure and consulting appropriate academy resources, the department chair will discuss the allegation of scholarly misconduct with the faculty member against whom these charges have been brought and will outline the steps in the Preliminary Inquiry. The faculty member will be informed regarding the person or persons who made the allegation about his or her work, unless such knowledge is irrelevant to the evaluation of the allegation. The department chair will either form a committee of inquiry from members of the department or turn to an appropriate standing committee of the department for the purpose of determining:

(1) Whether there is merit to the allegation.

(2) Whether it involves a possible minor or serious offense if there is merit to the allegation.

b. Timeliness. The Preliminary Inquiry should be completed within 30 days after the complaint came to the chair's attention. If the departmental committee requires more time, the members may request it from the department chair.

c. Confidentiality. To the greatest extent possible, the proceedings of the Preliminary Inquiry will be kept confidential in order to protect the rights of all parties involved. All meetings of the inquiry committee will be closed.

d. Respondent's rights and responsibilities during the Preliminary Inquiry. The respondent is obligated to cooperate in providing the material necessary to conduct the Preliminary Inquiry. Uncooperative behavior may result in immediate implementation of a Formal Investigation and appropriate disciplinary action. The respondent will be given an opportunity to comment on the allegations during the inquiry and to respond to a draft copy of the inquiry findings. If he or she comments on that report, the comments will be made part of the final inquiry record. The respondent may address the committee conducting the Preliminary Inquiry, if he or she desires. The respondent must have full and timely access to all evidence presented against him or her.

e. Inquiry Findings. The completion of the Preliminary Inquiry is marked by submission of the written Findings to the department chair. On the basis of the Findings, the department chair will decide whether or not there is evidence of misconduct and the seriousness of the misconduct. The chair will convey this information to the respondent, as well as to the complainant, the Director of Research and Scholarship, and, through the chain of command, to the Academic Dean and Provost. This finding will also be communicated to all appropriate persons to protect the reputation of anyone alleged to have engaged in misconduct when these allegations are not supported. If the department chair finds that there is evidence of misconduct, the chair will meet with the faculty member to discuss the Findings.

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(1) If the faculty member acknowledges the misconduct and agrees to take appropriate steps to rectify the situation, e.g., notify the editors of journals in which the research or scholarly work was published, a Formal Investigation will not be required.

(2) If the faculty member acknowledges the misconduct, the chair will additionally determine, in consultation with the departmental committee and, separately, the servicing personnel management specialist, the Vice Academic Dean, and the Staff Judge Advocate, whether disciplinary action is warranted in accordance with the Department of the Navy Civilian Human Resources Manual (DoN CHRM). If the chair believes that the action warranted is beyond his or her authority, he or she will recommend the appropriate sanction to the division director. Per the DoN CHRM, disciplinary action taken or recommended by the chair will reflect the seriousness of the misconduct and mitigating circumstances. If disciplinary action is taken, the faculty member sanctioned may exercise the appropriate rights of grievance and appeal outlined in United States Naval Academy Instruction 12771.1B.

(3) If, based on the Preliminary Inquiry, the faculty member does not agree with the department chair's decision, the department chair will refer the matter to the division director, who will initiate a FORMAL INVESTIGATION. The department chair may also refer the matter to the division director for a Formal Investigation if the respondent is not cooperative with the Preliminary Inquiry.

f. If, in the disposition of the Preliminary Inquiry, the integrity of the department chair is questioned, the concern will be brought to the attention of the division director, who may recommend to the Academic Dean and Provost to appoint a special Inquiry Team to determine whether a Formal Investigation is needed.

6. Investigation. The Investigation is a formal information gathering procedure to gather and weigh the evidence and determine the truth of the charge and its seriousness. If Federal or outside funding is involved, the Academic Dean and Provost will ensure that the legally required and/or otherwise appropriate notifications are made.

a. The division director will initiate the Formal Investigation by seeking the assistance of the Faculty Senate in conducting it. In particular, the Faculty Senate President and the chair, Professional Standards and Reconciliation Subcommittee, will establish an ad hoc committee (hereafter referred to as the Investigatory Committee), to consist of two members from the respondent's division and one member from a different division. They will also decide whether to add a member from an outside academic institution.

b. The department chair will provide the division director, the Investigatory Committee, and the respondent with the written Findings of the Preliminary Inquiry. The chair will also provide a list of expert witnesses from the field for consultation. The respondent may submit to the Investigatory Committee for consideration his or her own list of expert witnesses.

c. The Investigatory Committee will gather the relevant documents and will interview the respondent, expert witnesses, and anyone else deemed pertinent to the Investigation. The Investigatory Committee will act in consultation with the Director of Research and Scholarship and the Staff Judge Advocate, the servicing personnel specialist, and the Vice Academic Dean. All meetings of the Investigatory Committee will be closed. The investigation proceedings will be kept confidential to the greatest extent possible.

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d. The respondent will be given an opportunity to submit a written response to the charge and will also be afforded the opportunity to appear before the Investigatory Committee.

e. Upon completion of the Investigation, the Investigatory Committee will deliberate and deliver a written Report to the division director or other appropriate academy official requesting the Investigation. The Investigation will not normally take more than 90 days. If the Investigatory Committee requires more than this time, they may request extensions from the division director.

f. The Investigatory Report will state whether there is merit to the complaint of scholarly misconduct. If there is evidence of misconduct, the report will also address the seriousness of that misconduct.

g. On the basis of the Formal Investigation, the division director will decide if there has been misconduct and, if so, the seriousness of the misconduct. The division director is responsible for determining, in accordance with the DoN CHRM, the nature of the corrective action necessary to address the misconduct. If the division director believes that disciplinary action beyond his or her authority is warranted, he or she will recommend an appropriate remedy to the Academic Dean and Provost for his or her consideration and action. The division director will seek advice and assistance from the servicing personnel management specialist, the Vice Academic Dean, and the Staff Judge Advocate as appropriate.