



TO: SUNY University Faculty Senate
FROM: Executive Committee
RE: Resolution: Research Misconduct Investigation Policies
DATE: 183rd Plenary, October 10-12, 2019
LOCATION: System Administration, Albany
RESOLUTION #: 183-01-01
VOTE TALLY: For: 41 / Against: 8 / Abstain: 1

RATIONALE:

WHEREAS all SUNY campuses must abide by Research Foundation, funding agencies', and campus-specific policies to investigate allegations of research misconduct; and

WHEREAS if there is suspicion of research misconduct, SUNY should be authorized to suspend the research activity pending an investigation; and

WHEREAS if after a well-defined investigative procedure is followed in accordance with federal rules, and research misconduct is proven against a faculty or staff member within the SUNY system, then the faculty and staff of SUNY are in favor of appropriate sanctions on those involved; and

WHEREAS in research misconduct cases, the onus of proof is on the institution and the panels of judges must be absolutely impartial and have no conflicts of interest; and

WHEREAS because a research misconduct policy is one of the few policies that has direct impact on Academic Rights and Responsibilities, a bedrock principle of SUNY policy, faculty and staff, through its governing bodies, must be given the opportunity to provide expert advice and/or modify certain aspects pertaining to the process to ensure impartial, fair, and transparent mechanisms are provided for handling of such cases to improve confidence that federal rules are followed; and

WHEREAS problems with entry into and oversight of research misconduct policy can occur at any SUNY campus; and

WHEREAS the research misconduct policy has been re-written on certain SUNY campuses without involvement of appropriate governance bodies:

RESOLUTION:

THEREFORE BE IT RESOLVED that the UFS calls on every SUNY campus to use appropriate shared governance processes to formulate or update their research misconduct policy, make it publicly available, and ensure that it is followed; and

FURTHER BE IT RESOLVED that the UFS recommends to campus Presidents that the initial assessment stage of research misconduct investigations on all SUNY campuses be conducted by a panel of impartial academics, chosen from the local campus, who are free of conflicts of interest, have appropriate expertise, and understand the issues of legal and academic freedom at stake. Only after this is done would campus administrative personnel be involved in administering a federally prescribed investigatory process.

BACKGROUND:

Statement on Research Integrity, The State University of New York, March 2013

https://www.rfsuny.org/media/RFSUNY/Documents/Sponsored-Programs/research_integrity.pdf

Patents, Inventions, and Copyright Policy, The State University of New York, 2016

https://www.suny.edu/sunypp/documents.cfm?doc_id=88

Procedure for Investigating Fraud and Misconduct, SUNY Research Foundation, September 2018

http://www.rfsuny.org/media/rfsuny/procedures/procedure_investigating_fraud_misconduct.htm