



XAVIER UNIVERSITY

Misconduct in Scholarship/ Research Policy

Effective: 4/1/26

Last Updated: 3/31/26

Responsible University Office: Office of the Provost

Responsible Executive: Provost and Chief Academic Officer

Scope: This document formally establishes a policy and procedures for reporting and investigating all instances of alleged or apparent misconduct involving research or creative activity by members of the Xavier University community. The Xavier community may include administrators, faculty at all ranks, staff, graduate students, undergraduate students, researchers, fellows, volunteers, and contractors, subcontractors, sub-awardees, and their employees.

A. REASON FOR POLICY

Federal regulations require that institutions applying for or receiving federal sponsored research funding have an established administrative process for reviewing, investigating, and reporting allegations of research misconduct. [Public Health Service Policies on Research Misconduct \[42 CFR Part 93\]](#) and [NSF's Research Misconduct Policy \[45CFR 689\]](#) Xavier University is committed to promoting a research environment premised on honesty, integrity, and the highest ethical standards. This policy safeguards a standard of robust research that drives discovery and innovation for the greater good of society and sustains the communal trust vital to our mission.

B. POLICY

The Misconduct in Scholarship/Research Policy establishes procedures to resolve allegations of misconduct in scholarship involving "Community members" (as defined below) who fall within the scope of this Policy.

The University bears the burden of proving an allegation of misconduct by a preponderance of the evidence. The following must be proven to the Provost/IDO and Chief Academic Officer and Faculty Hearing Committee to establish a finding of research misconduct:

- A significant departure from accepted practices of the scholarly community for maintaining the integrity of the research record (Xavier will default to the standards suggested by the Committee on Publication Ethics unless the professional organization of the researcher indicates other standards);
- The misconduct has been committed intentionally, or knowingly, or in reckless disregard of accepted practices; and

Disciplinary action based on a finding of research misconduct shall take into account the seriousness of the misconduct, including but not limited to:

- The degree to which the misconduct was knowing, intentional, or reckless;
- Whether it was an isolated event or reflective of a pattern of behavior or misconduct, or
- If it had significant impact on the research record, research subjects, other researchers, institutions, or the public welfare.

C. DEFINITIONS/GENERAL PRINCIPLES

Definitions:

Community Members- may include administrators, faculty, staff, graduate and undergraduate students, researchers, fellows, volunteers, and contractors, subcontractors, sub-awardees, and their employees.

Complainant- means a person who in good faith makes an allegation of Misconduct. This individual may also be referred to as a whistleblower.

Formal Investigation- means the formal development, examination and evaluation of a factual record to determine whether Misconduct has taken place, to assess its extent and consequences, and to evaluate and recommend appropriate action(s) in response to the finding(s).

Graduate Students and Undergraduate Students- may become involved in misconduct allegations by virtue of their collaboration with one or more faculty researchers. If the students are being supported by external funding, they are covered by this policy statement. If the students are not being supported by external funding, then such cases would follow the standard student misconduct policy and procedures.

Institutional Deciding Official (“IDO”)- means the institutional official who makes final determinations on allegations of research misconduct and any institutional actions. The same individual cannot serve as the Institutional Deciding Official and the Research Integrity Officer.

Institutional Member(s)- means an individual (or individuals) who is employed by, is an agent of, or is affiliated by contract or agreement with an institution. Institutional members may include, but are not limited to, officials, tenured and untenured faculty, teaching and support staff, researchers, research coordinators, technicians, postdoctoral and other fellows, students, volunteers, subject matter experts, consultants, or attorneys, or employees or agents of contractors, subcontractors, or sub-awardees. If the respondent chooses to use the services of an attorney, role of attorneys in interviews are limited to be defined as a non-participating advisor who cannot speak for the respondent.

Preliminary Inquiry- means the first formal step an institution takes after receiving an allegation of research misconduct to ensure that only credible, sufficiently supported cases proceed. It consists of a preliminary evaluation of the available evidence and testimony to determine whether a full investigation is warranted.

Preponderance of the Evidence- Proof by evidence that, compared with evidence opposing it, leads to the conclusion that the fact at issue is more likely true than not.

Recklessly- To act recklessly means to propose, perform, or review research, or report research results, with indifference to a known risk of fabrication, falsification, or plagiarism.

Research Integrity Officer (“RIO”)- means the institutional official responsible for administering the institution’s written policies and procedures for addressing allegations of research misconduct in compliance with 42 CFR Part 93.

Research Misconduct (“Misconduct”)- means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

(a) Fabrication is making up data or results and recording or reporting them.

(b) Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

(c) Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. (Federal Definition)

1. At Xavier University, plagiarism further includes: the unattributed verbatim or nearly verbatim copying of sentences and paragraphs from another’s work that materially misleads the reader regarding the contributions of the author. Exclusions:
 - Plagiarism does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology.
 - Self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project, do not meet the University’s definition of research misconduct.

(d) Misconduct does not include honest error or differences of opinion.

Respondent- means the person against whom an allegation of Misconduct is directed.

General Principles:

1. **Duty to Report:** Any person who has reason to believe that a Community Member is engaging or has engaged in Misconduct should report that belief to the Provost/IDO or be made through the [Anonymous Hotline](#), which is available through a secure link from Xavier’s Audit and Risk Management website.
2. **Protection from Bad Faith Allegations:** Reports made with knowing or reckless disregard for the truth, that are deliberately false, that are the result of personal or professional animus or that are influenced by personal, professional or financial conflicts of interest are not considered to be made in good faith. Reports not made in good faith may become the basis of additional or separate Misconduct proceedings themselves. In such cases, the procedures set forth in this Policy will be followed in the same manner against the individual(s) making the original allegations.
3. **Protection from Retaliation:** No retaliation shall occur against individuals who in good faith report suspected instances of Misconduct, provide evidence or testimony or participate in the procedures set forth in this Policy, regardless of the outcome of the Preliminary Inquiry and/or Formal Investigation.
4. **Confidentiality:** Every reasonable effort shall be made to ensure confidentiality is maintained concerning all matters related to these proceedings, including the identity of respondents, complainants, and research subjects to the extent possible. Information shall be shared on a needtoknow basis.

5. **Compliance with Sponsor Regulations:** In cases of sponsored research, investigations will be conducted in accordance with applicable regulations or guidelines of the sponsor. The Provost/IDO will be responsible for ensuring that the procedures conform to such requirements, including any reporting procedures required by law, regulations, or policy. Researchers should be aware that individual sponsors may investigate allegations, impose sanctions, and take other actions independent of and addition to those undertaken by Xavier University
6. **Right to Respond:** In the conduct of any proceedings related to an allegation of Misconduct, the respondent will be provided with notice of the allegations, a draft copy of any written report, and an opportunity to comment in writing before the report is finalized.
7. **Requirements for a Finding of Misconduct:** A finding of Misconduct requires that there be a significant departure from accepted practices of the relevant research community; that the Misconduct be committed intentionally, knowingly, or recklessly; and that the allegation be proven by a preponderance of the evidence.
8. **Restoration of Reputation:** Xavier University will make every effort to protect and restore the reputation of a respondent against whom no finding of Misconduct is made.
9. **Six-year Limitation:** These policies and procedures apply only to research misconduct occurring within six years of the date Xavier University receives an allegation of research misconduct, subject to the following exceptions:

Subsequent Use Exception: The six-year time limitation does not apply if the respondent continues or renews any incident of alleged research misconduct that occurred before the six-year period through the use of, republication of, or citation to the portion(s) of the research record alleged to have been fabricated, falsified, or plagiarized, for the potential benefit of the respondent.

Documentation Requirement: For alleged research misconduct that appears subject to this subsequent use exception, but Xavier University determines is not subject to the exception, the institution will document its determination that the subsequent use exception does not apply and will retain this documentation for the later of seven years after completion of the institutional proceeding or the completion of any HHS proceeding.

Public Health and Safety Exception: This time limit may also be waived by the Provost if the alleged Misconduct may have a substantial adverse impact on the health or safety of the public.

If the University determines that the subsequent use exception does not apply to a specific allegation, the University shall document this determination and retain that record for seven years.

In case of any conflict between this document and 42 CFR Part 93, the PHS regulation will prevail.

D. PROCEDURES

Reports of Misconduct from within or outside of the University should be referred immediately to the both the Research Integrity Officer (RIO) and the Institutional Deciding Official. At Xavier, the RIO will be a tenured associate provost designated by the Provost and the Institutional Deciding Official (IDO) will be the Provost. The Research Integrity Officer (RIO) is the institutional official responsible for administering Xavier University's written policies and procedures for addressing allegations of research misconduct in compliance with the PHS regulation. The same individual will not serve as both the Institutional Deciding

Official and the RIO. The institution may choose to have the RIO conduct the inquiry in lieu of a committee, and, if needed, this individual may utilize one or more subject matter experts to assist them in the inquiry.

1. Preliminary Inquiry

- a. Written and signed statements are preferred. If a verbal report is filed, the oral report will be memorialized by the RIO and verified by the complainant before proceeding further. Anonymous reports may be made through the [Anonymous Hotline](#), which is available through a secure link from Xavier's Audit and Risk Management website.
- b. At any stage of these procedures, an allegation of Misconduct may be withdrawn by the complainant(s), or the respondent may acknowledge the Misconduct, or a settlement with the respondent may be reached. In such a case, the Provost/IDO will determine if the matter may be closed following consultation with any funder (s). If the matter is to be closed, both the complainant and respondent will be informed in writing within 14 days of that determination. If Misconduct has occurred, the Provost/IDO will determine the appropriate sanction as provided in section 3 of these procedures.
- c. The RIO shall contact the individual against whom the allegation has been made (respondent), as well as the respondent's supervisor/department chair and dean, to notify in writing of the allegations made and that a Preliminary Inquiry is being initiated. If the inquiry subsequently identifies additional respondents, they shall also be notified in writing of the allegation(s) made. The RIO will secure all research records and evidence relating to the alleged misconduct on or before the time of the initial notification. The records and evidence will be inventoried, sequestered in a secure manner except in those cases where the research records or evidence encompass scientific instruments shared by a number of users. During the course of the investigation and at his/her own expense, the respondent may be advised by legal counsel, but legal counsel will not be permitted to participate in any aspect of the investigation or hearings beyond providing advice to the respondent. For the avoidance of doubt, if the respondent retains legal counsel, legal counsel shall not be permitted to object to questions, answers or other testimony; legal counsel shall have no right to examine or cross-examine any witnesses; or to object to items being introduced into evidence.
- d. The RIO will conduct an inquiry of the alleged misconduct. The RIO will contact the Faculty Hearing Committee who will appoint at least three members of their committee (who have no conflict of interest) to serve with the RIO as the Preliminary Inquiry Committee. This Committee may, but is not required to, solicit the input and/or advice of appropriate intramural and external consultants.
- e. When alleged misconduct involves external financial support, the RIO shall also refer the alleged misconduct to a Grant Services Officer who shall make a recommendation of whether the alleged misconduct is "significant" in the sense that it deviates from sponsor or University guidelines. If the Grants Officer determines that it may constitute a significant deviation, he/she shall follow the reporting procedures required by law, agency guidelines, or University policy.
- f. The Preliminary Inquiry will be said to begin when the Preliminary Inquiry Committee receives instructions from the RIO at its first meeting. The Preliminary Inquiry Committee will complete the inquiry within 60 calendar days of its initiation unless circumstances warrant a longer period. This 60-day period includes preparing the Preliminary Inquiry draft

report, notifying Grant Officer if external funding is involved, and giving the respondent at least seven days to comment on it in writing.

- g. The Preliminary Inquiry Committee will make a recommendation as to whether or not the allegation warrants a Formal Investigation. A Formal Investigation is warranted if there is a reasonable basis for concluding that the allegation falls within the definition of Misconduct and preliminary information-gathering and preliminary fact-finding from the inquiry indicates that the allegation may have substance. Should the Preliminary Inquiry Committee require additional time in order to perform its task, it shall submit a request for an extension, in writing, to the Provost/IDO no less than 14 days prior to the conclusion of the 60-day period allotted for the Preliminary Inquiry.
- h. The final Preliminary Inquiry report shall be submitted to an Associate Provost (different from the RIO), who will make a recommendation to the Provost/IDO whether to initiate a Formal Investigation or terminate the inquiry.

2. Formal Investigation

- a. The Provost/IDO must review the Preliminary Inquiry Report and make the final determination on whether an investigation is warranted. If the Provost/IDO determines an investigation is warranted, the Provost/IDO shall notify the President that a Formal Investigation into alleged Misconduct has been initiated.
- b. Following determination that a Formal Investigation is warranted, the Provost/IDO shall notify the Respondent and Grants Officer (if necessary, when grant funding is involved) of their decision, in writing, within seven calendar days.
- c. Within 30 days of the completion of the Preliminary Inquiry, the RIO will convene a Formal Investigation committee comprised of the Preliminary Inquiry Committee plus two additional members assigned by the Faculty Hearing Committee.
- d. The Formal Investigation Committee will perform an in-depth inquiry and confidential review of all evidence gathered from the Preliminary Inquiry. The committee shall gather additional information and testimony as it deems needed. The methods used will be determined by the committee and shall comply with any and all federal, state, and sponsor requirements. During the investigation, any witness interviewed shall be provided a written transcript of their testimony and allowed at least 14 days to provide comments or corrections.
- e. Given the serious nature of misconduct allegations, proceedings shall operate year-round—including during summer months—provided the University is open. Formal Investigations are expected to proceed apace without delay; accordingly, Complainants, Respondents, and all other participants have a duty to cooperate fully and provide all relevant research records and information. The Formal Investigation committee will submit to the Provost/IDO, no later than 120 days after its first meeting, a final written report indicating its findings based on its investigation. This report will indicate the facts of the investigation and make a determination based on the findings of the majority as to whether Misconduct occurred
 - 1. The respondent will be provided a copy of the draft written report before it is finalized and shared with the Provost/IDO. The respondent will be provided at least 14 days to make a written statement in response to the committee's findings and recommendations. Any final modifications to the report shall be made by the Committee within 14 days after the receipt of the respondent's comments.

2. The procedures described in this Policy shall be followed without omission or curtailment, except that deadlines may be extended for good cause as long as sponsor guidelines or applicable regulations are considered and followed.

3. Final Actions After a Formal Investigation Has Taken Place

- a. Finding: No Misconduct occurred.
Should the Formal Investigation Committee's final report indicate that no Misconduct occurred, the Provost/IDO will discontinue all proceedings and notify the respondent and the appropriate Dean in writing within seven days of the findings. Every reasonable precaution will be taken to ensure the continuing confidentiality of the proceedings, restore the reputation of persons alleged to have engaged in Misconduct, and protect the positions and reputations of persons who have, in good faith, made allegations. These efforts will necessarily vary on a case by case, but because the reputation of Xavier University is inextricably tied to that of its faculty, students, and staff, ensuring that those who have been wrongfully accused are publicly exonerated and visibly supported by the university is in the best interests of the university as a whole.
- b. Finding: Misconduct occurred.
Should the Formal Investigation Committee's final report indicate that Misconduct occurred, the Provost/IDO will notify the respondent and the appropriate Dean in writing within seven days. In addition, the President will be notified verbally of the conclusions and will receive a copy of the committee's final report. If external funding is involved, the Provost/IDO will also provide a Grant Services Officer with a copy of the final report who will contact the funder immediately.
 1. The Provost/IDO will determine appropriate sanctions commensurate with the nature and severity of the misconduct found to be involved and the respondents' history of prior violations, if any.
 2. Potential sanctions include, but are not limited to:
 - a. Removal of individual (s) from the project(s) in question.
 - b. Withdrawal of pending manuscripts emanating from fraudulent research.
 - c. Notification to editors of journals in which suspect reports have appeared.
 - d. Termination of work on all sponsored projects.
 - e. Fines and/or restitution.
 - f. Formal letter of reprimand.
 - g. Reduction in salary or faculty rank.
 - h. Suspension or dismissal in accordance with University policies, handbooks and procedures.
 - i. Loss of right to seek promotion, for a designated number of years or permanently.

In the case of reductions in salary or rank, suspension, or termination of faculty, the procedures set forth for such actions in the Rank and Tenure Policy Statement and the Faculty Handbook will be followed.

A finding of Misconduct and sanctions may be appealed by the respondent to the President within 15 days of receipt of the Committee's final report. The President shall render a decision on the appeal within 15 days. Research misconduct final actions shall proceed year-round, including during summer months, as long as the University is open.

4. Record Retention

All records pertinent to the allegation of Misconduct and any Preliminary Inquiry will be securely maintained in accordance with the General Records Retention Schedule. Should the Preliminary Inquiry result in the initiation of a Formal Investigation, a comprehensive index of records will be delivered to the Provost/IDO, who will maintain them throughout the period of the Formal Investigation. The Office of the General Counsel shall maintain an institutional record that includes a comprehensive index of all research records and evidence secured, used, or archived. This includes a list of any records sequestered but determined not to be relevant. Upon the conclusion of the proceedings, the case file will be maintained in accordance with the General Records Retention Schedule or as required by law.

At the conclusion of the required retention period, the records will be destroyed in accordance with the General Records Retention Schedule.

5. Cessation of Employment of Complainant or Respondent

If the respondent or complainant ceases employment with Xavier University for any reason, the investigation will continue to a conclusion in accordance with the above outlined procedures.

E. EXHIBITS

Exhibit A: Charge and Procedures for the Investigative Committee in Cases of allegations of Misconduct in Research

F. HISTORY

First Effective: 5/9/16

Last Updated: 10/23/24

G. REVIEW SCHEDULE

Other applicable policies and/or resources:

Resources used to create this policy include Misconduct in Scholarship Policies from Loyola University Maryland and John Carroll University (with their permission) and the sample policy from the U.S. Office of Research Integrity.

EXHIBIT A:

Charge and Procedures for the Investigative Committee in Cases of allegations of Misconduct in Research

1. Purpose and Authority

The investigative committees serve as an independent advisory body to the Provost/Institutional Decision Officer (IDO). The Preliminary Inquiry Committee's function is to establish whether or not an allegation of misconduct warrants further investigation. The Formal Investigation Committee's function is to conduct the necessary investigation to determine if a preponderance of evidence indicates misconduct in research has occurred.

2. Committee Composition

Individuals serving on the Preliminary Inquiry committee consist of the Research Integrity Officer (RIO) and at least three members of the standing Faculty Hearing Committee (as defined in the [Academic and University Committees of Xavier University](#)) who have no conflict of interest. The Formal Investigation Committee consists of the Preliminary Inquiry Committee and two additional members assigned by the Faculty Hearing Committee (these additional members are not required to be members of the Faculty Hearing Committee).

The RIO, in consultation with other institutional officials as appropriate, will contact the Faculty Hearing Committee who will appoint at least three members of their committee (who have no conflict of interest) to serve as the Preliminary Inquiry Committee with the RIO.

The Formal Investigation Committee shall be comprised of the Preliminary Inquiry Committee plus two additional members assigned by the Faculty Hearing Committee, ensuring a six-member body for the formal phase. The group may solicit the advice of appropriate intramural and external consultants.

3. Charges

A. The Charge for the Preliminary Inquiry Committee

The RIO will provide a written charge to the Preliminary Inquiry Committee that:

- Identifies the Allegation: Describes the specific allegations and any related issues identified during the initial assessment.
- Defines the Scope: States that the purpose is an initial review of evidence and allegation gathered and secured by the RIO to determine if an investigation is warranted, not to make a final determination of misconduct.
- Sets the Criteria: Instructs the committee that an investigation is warranted only if:

1. There is a reasonable basis for concluding the allegation falls within the definition of Research Misconduct; and
 2. The allegation may have substance based on the initial review.
- Sets the Timeline: Establishes the 60-day deadline for the completion of the Inquiry Report, including the time to investigate, draft the report, notify the Grant Officer if necessary, and give the respondent at least seven days to comment on a draft in writing.
 - Identifies the Associate Provost to whom the report will be submitted.

B. The Charge for the Formal Investigation Committee

The RIO will provide a written charge to the Investigation Committee that:

- Identifies the Respondent: Formally names the individual(s) being investigated and provides the preliminary report used to determine the investigation is warranted.
- Defines the Burden of Proof: States that a finding of Research Misconduct requires that a preponderance of the evidence establishes:
 1. That Research Misconduct occurred;
 2. That the misconduct is a significant departure from accepted practices of the relevant research community; and
 3. That the misconduct was committed intentionally, knowingly, or recklessly.
- Directs the Process:
 1. Instructs the committee to examine all relevant research records, conduct formal interviews, and pursue all significant issues or leads discovered during the proceedings.
 2. Methods used must comply with any and all federal, state, and sponsor requirements.
 3. In the case of interviews, the interviewee must be provided a transcript of the conversation and allowed 14 days to provide comments or corrections.
 4. All data gathered must be provided to the RIO to be secured in accordance with university policy.
- Mandates a Written Report: Directs the preparation of a final report that meets all institutional and (if applicable) federal regulatory requirements. The report will indicate the facts of the investigation and make a determination based on the findings of the majority as to whether misconduct occurred. In cases where multiple actions make up the allegation, the report will indicate the findings for each action.

- Sets the Timeline: Establishes the 120-day timeline for the completion of the final Formal Investigation Report including the time to investigate, draft the report, and to provide the respondent 14 days to make a written response to the committee's findings and recommendations.
- Identifies the Associate Provost to whom the report will be submitted.

4. Investigative Processes

A. **Preliminary Inquiry:** The goal of the Preliminary Inquiry is to determine if an allegation has sufficient substance to warrant a formal investigation. The process is typically limited to:

- Initial Record Review: A review of the research records, sequestered data, and the written allegation.
- Discretionary Interviews: The committee may, but is not required to, interview the Complainant or Respondent to clarify the nature of the allegation or the evidence. In the case of interviews, the interviewee must be provided a transcript of the conversation and allowed 14 days to provide comments or corrections.
- Standard of Proof: The committee determines only if there is a reasonable basis to proceed; it does not reach a final conclusion on whether misconduct occurred. The primary questions are (1) whether the allegation falls into the category of misconduct in research, and (2) whether the allegation appears to have some substance of accuracy based on review of the records, data, and allegation (possibly supplemented with discretionary interviews).

B. **Formal Investigation:** The Formal Investigation is a comprehensive examination of all relevant facts and evidence. This process must include:

- Mandatory Interviews: The committee shall interview the Respondent, the Complainant, and any other available person with relevant information.
- Transcript Review: All interviews must be recorded or transcribed. Interviewees must be provided a copy of the transcript and allowed a mandatory review period of 14 calendar days, which may be extended by the RIO only for documented good cause, to provide written comments or corrections.
- Diligent Pursuit of Leads: The committee must pursue all significant issues and leads discovered during the investigation, including additional instances of possible misconduct.
- Understanding of accepted practices: The committee should gather information from appropriate sources such as professional societies, colleges, or departments to understand what constitutes a reasonable practice of research in the respondent's area of research.

- **Final Determination:** The committee must evaluate evidence based on the Preponderance of the Evidence standard to determine if misconduct occurred, the extent of the departure from accepted practices, and the level of intent (intentional, knowing, or reckless). A finding of misconduct cannot be reached solely on the basis of a deviation from protocol; it must be proven to be a significant departure from the accepted practices of the relevant research community.

5. Committee Procedures

The following committee actions shall be considered:

- **Quorum:** A simple majority of appointed members must be present to hold a hearing or reach a recommendation.
- **Confidentiality:** All proceedings, documents, and deliberations are strictly confidential.
- **Respondent Participation:** The Respondent shall be afforded the opportunity to provide written responses to a drafts of the preliminary inquiry report, to appear before the Investigative Committee to discuss the allegation and evidence, and to provide a written response to a draft of the final investigation report.