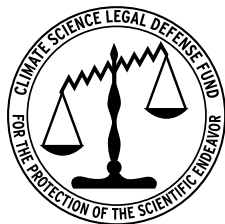




A QUICK GUIDE TO THE SCIENTIFIC INTEGRITY POLICIES OF

# Universities, State Agencies, and International Institutions



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## A Guide to Scientific Integrity Policies at Universities, State Agencies, and International Institutions

We created this guide to help scientists understand how the institutions they work for approach scientific integrity and what they should do if they feel their work is compromised. This knowledge should be part of every scientist's professional development. Understanding these issues is more important than ever given the ongoing attacks on science and the number of whistleblowers calling out political interference in research.

We urge scientists to get early legal advice if they believe they've encountered a scientific integrity issue or if they're accused of violating scientific integrity. Climate Science Legal Defense Fund (CSLDF) attorneys offer free, confidential consultations. We encourage scientists with questions about scientific integrity issues to contact us—including researchers from non-climate disciplines and those living outside the United States.

University or agency counsel can also be a useful resource. Still, scientists must remember that these attorneys represent the interests of the university, agency, or other institution, and not those of individual scientists.

Scientists should know whether the university, agency, or other institution they're employed by has procedures for addressing claims of scientific integrity violations or research misconduct. Such policies can help determine how and to whom a complaint should be submitted, what it should contain, whether there are deadlines for filing a complaint, and what happens once the complaint is received. These policies are generally stand-alone policies, not located within any broader manual or handbook, so scientists should be aware that finding this information may require some work.

CSLDF or another attorney can help research and explain university and agency procedures. Institutional policies aren't perfect, but their existence may decrease incidences of misconduct, and [they provide a way to document scientific integrity issues](#).

A scientist who believes scientific integrity was violated or who is accused of violating scientific integrity should document the situation by keeping a record of relevant meetings, conversations, and documents. Including dates and times can help establish timelines and sequences of events. Take and save these notes on personal time and using personal resources rather than on a work computer or phone, assuming the information is not classified or confidential. Doing so will make it clear that they are personal notes and not institutional records, which are legally the institution's property.

CSLDF and partner organizations created a resource for scientists called [Make a Note to the Record](#) that offers more tips and best practices for documenting potential scientific integrity violations.

Scientists who work at universities or state agencies should understand that there may be multiple routes for addressing a situation which they feel is violating ethical or professional norms.

In addition to making a scientific integrity or research misconduct complaint, scientists may want to consider making a complaint to human resources as an initial step or something a scientist wants to pursue concurrently. In some circumstances, university or state agency scientists may also have the option of filing scientific integrity complaints with the federal agency that provided the research funding, and / or scientific integrity or research misconduct complaints against the journal or scientific society that published the research.

In certain situations, scientists may be able to pursue a whistleblower complaint, an employment discrimination complaint, and / or bring public attention to an issue by publishing an op-ed or working with a journalist (which can be done anonymously or on the record). More information about various processes is in our [Pocket Guide to Handling Political Harassment and Intimidation](#).

Determining what options are in a scientist's best interest is fact-based and situation-specific, so scientists should work with an attorney as early as possible to determine the best course of action.

Depending on the circumstances, scientists may also want to speak to their department head, mentor, or trusted advisor to both understand institutional avenues and get a sense of possible responses. Unfortunately, scientific integrity issues can often have a political tinge, and it is critical to understand the factors that may be at play when considering options.

**This guide is not a substitute for legal advice. If you are a scientist facing a scientific integrity issue, please contact CSLDF or another attorney for help.**

**Contact CSLDF at  
(646) 801-0853**

**Or send an email to  
[lawyer@csldf.org](mailto:lawyer@csldf.org)**

Scientists at public and private research universities perform most scientific research in the United States. So scientists must understand how universities conceptualize scientific integrity and handle scientific integrity issues. To survey these issues, we examined the top ten research-producing universities in the U.S. [according to the annual Nature Index](#). In 2018, the most recent year for which data are available, those universities were:

1. [Harvard University](#)
2. [Stanford University](#)
3. [Massachusetts Institute of Technology \(MIT\)](#)
4. [University of California, Berkeley \(UC Berkeley\)](#)
5. [Yale University](#)
6. [University of Michigan](#)
7. [University of California, Los Angeles \(UCLA\)](#)
8. [Northwestern University](#)
9. [University of California, San Diego \(UC San Diego\)](#)
10. [Columbia University](#)

In general, U.S. universities do not have scientific integrity policies. Instead, they have research misconduct policies that stem from federal requirements for institutions receiving Public Health Service (PHS) funding (42 CFR Part 93.300). Universities tend to create policies that comply with those requirements, so their research misconduct policies mirror each other in many respects. These policies provide a foundation for university research conduct and the handling of violations.

Unfortunately, the policies usually fail to consider key aspects of the integrity of a university research program, such as ensuring freedom from political interference or guaranteeing a researcher's right to freely communicate with the public and press about scientific results. Most U.S. universities have yet to adopt an approach to scientific integrity that goes meaningfully beyond traditional research misconduct issues such as plagiarism and data falsification.

In contrast, the scientific integrity policies of U.S. government agencies often include issues such as political interference or public communication. See our [Quick Guides to Scientific Integrity Policies at Key Federal Agencies](#) for more information on these policies.

In this guide, we describe standard features of university scientific integrity policies, highlight areas in which universities have notable differences, provide tips for researchers trying to navigate these policies, and note the areas where improvement is needed.

## How do the policies define research misconduct?

U.S. universities generally have a uniform definition of research misconduct based on federal law (42 CFR Part 93):

- Research misconduct is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or in reporting research results.
  - » Fabrication: Making up data or results and recording or publishing them.
  - » Falsification: Manipulating materials, equipment, or methods, or changing or omitting data or results, so the research is falsely represented in the record.
  - » Plagiarism: Appropriating another person's ideas, processes, conclusions, or words without giving appropriate credit.
- Research misconduct does not include honest errors or differences of opinion.

Some universities incorporate this definition and also go beyond the minimum requirements of this provision. [One paper analyzed research misconduct policies at 183 U.S. research institutions](#) and found that more than half of them had definitions of research misconduct that went beyond the federal standard in at least some respects. To cite one example, some include a concept of deliberate interference with research by intentionally harming or damaging the work of others.

We applaud the universities that define research misconduct beyond the minimum requirements in their definition of research misconduct. Yet they often still fail to address actions such as censorship, intimidation, or limitations on scientists' ability to communicate their research—safeguards against these behaviors are crucial to maintaining a culture of scientific integrity.

Generally speaking, university misconduct policies also do not address whether and how a researcher's conflict of interest, such as with funding sources—particularly undisclosed conflicts of interest—may constitute a research misconduct violation. In some instances, universities do have separate policies dealing with this issue; however, the omission of misconduct regarding conflicts of interests from the misconduct policies themselves is unfortunate.

## What evidentiary standards apply?

U.S. universities have adopted a uniform standard for what is required for a finding of research misconduct. It includes a discussion of the burden of proof; in other words, the level of certainty and degree of evidence necessary for a finding of research misconduct.

A finding of research misconduct generally requires that:

1. There was a significant departure from accepted practices of the relevant research community.
2. The misconduct was committed intentionally, knowingly, or recklessly.
3. A preponderance of the evidence proves that it is more likely than not that the allegations are true.

### **To whom do the university policies apply?**

Generally, anyone involved with university research is required to abide by university policies, regardless of their funding source. Federal law only requires research misconduct policies to apply to recipients of PHS funding, but thankfully, many universities apply the policies more broadly. For example, the MIT policy applies to “Research Activities conducted at MIT or by MIT faculty, staff, fellows, students, and others with MIT appointments elsewhere as part of their MIT-related duties or activities.”

Some universities have even broader definitions of who must abide by their research integrity policies. In some cases, they extend to proposed research and research claimed or implied to have been done by someone with a university affiliation.

Most universities do not address whether research integrity policies retroactively apply to someone no longer affiliated with the institution. The Harvard University policy is an example of an exception. It states that research integrity policies “may be applied to any individual no longer affiliated with [the Harvard Faculty of Arts and Sciences] if the alleged misconduct occurred while the person was employed by, an agent of, or affiliated with the University.”

### **Who is entitled to pursue a claim of research misconduct under the policies?**

The policies generally say an “individual” is entitled to make a claim of research misconduct and trigger a university investigation. The use of this or a similarly broad term means that, in most cases, faculty, students, staff, other university community members, and even outside individuals or groups can make research misconduct claims. While there are benefits to allowing anyone aware of misconduct to make a complaint, this also means that policies can be misused by outside groups with political agendas to harass and silence university researchers.

Some university policies impose an affirmative duty on community members to report suspected research misconduct, although none of the policies we reviewed specify penalties for those who fail to report.

### **What is the process for investigating and addresses research misconduct complaints?**

As required by federal law, to receive federal funding, universities should have detailed policies and procedures that govern the investigation of research misconduct complaints. We describe different forms these procedures may take in more detail in the Appendix.

In brief, the process usually has three primary phases:

- 1. Preliminary assessment:** This phase determines whether the complaint meets the definition of research misconduct and whether it is sufficiently credible and specific to justify an investigation.
- 2. Inquiry:** This phase involves initial fact-finding to determine whether the allegation has enough substance to warrant a full investigation. Policies usually require the individual alleged to have committed misconduct to be notified at this stage and, to some degree, have the chance to review and comment on relevant documents.
- 3. Investigation:** This phase is devoted to gathering all relevant facts and evidence by examining records and (usually) interviewing witnesses. In this phase, a formal recommendation is made about whether research misconduct was committed.

A university official is typically designated to manage the process. Committees are usually formed to conduct the inquiry or investigation if one is warranted. Institutions vary in terms of who manages the process and who serves on the committees. A dean or department head will usually handle the investigation; committees may need to consist of a certain number of faculty peers with relevant subject matter expertise, or student peers, depending on the person accused.

The person accused of research misconduct usually has an opportunity to review written reports created during the inquiry and investigation stages and offer comments or lodge objections.

## Disciplinary Procedures

U.S. universities vary in terms of who has the authority to determine whether disciplinary action is appropriate and, if so, what it should be. This authority often rests with the provost, dean, or a similar figure. Some policies indicate that the disciplinary procedures listed in faculty or student handbooks may apply depending on the status of the accused person. Some examples of such disciplinary procedures might include written censure, demotion, reduction in salary, or expulsion.

## Time Limitations

None of the policies we surveyed mention time limitations for initiating a scientific integrity complaint. However, this is a critical issue, and we urge scientists to find out if their institution imposes time constraints. You can also contact CSLDF for assistance.

## Confidentiality

Scientists involved in a research misconduct process must understand their right to confidentiality. Many university policies address confidentiality in research misconduct investigations. Policies generally acknowledge that it's vital to maintain privacy around an investigation. Some policies place obligations on the parties involved to maintain confidentiality, although none of the policies we reviewed describe penalties if confidentiality is not respected.



## Whistleblower/Retaliation Protections

Some—although unfortunately not all—university policies we evaluated address the issue of retaliation against someone who reports suspected research misconduct; these policies generally prohibit retaliation. Those who are found to have committed retaliation may be penalized, including possible termination.

## Conflicts of Interest

Conflicts of interest can be an issue for those handling a research misconduct investigation. Some policies have provisions ensuring that those involved in the investigation do not have any conflicts of interest.

Separately, as mentioned above, conflicts of interest—particularly undisclosed conflicts of interest—regarding researchers themselves are generally not considered violations of research misconduct policies, although there may be separate policies that address this.

## Notifying External Agencies

Researchers should be aware that, in situations where an external agency funded the research in question, federal regulations may require the university to notify that agency about the investigation.

## What do the policies NOT contain?

Unlike federal agencies, universities generally address a relatively narrow concept of research misconduct; they have not widely adopted policies that address scientific integrity in a broader sense. For example, university research integrity policies usually do not have provisions that ensure that political considerations cannot influence the research that university scientists carry out or the grants they pursue.

The policies also don't have provisions that ensure university researchers can communicate the results of their work without censorship, threats, or intimidation. They similarly fail to protect university researchers' ability to publish in journals, participate in professional conferences, join professional societies, and pursue similar professional development opportunities.

This lack of such provisions is a serious shortcoming. These sorts of protections for researchers are crucial for maintaining a culture of integrity in science and should be part of every scientific integrity policy.

### 3

## State Agencies

Occasionally, state agencies also provide guidance on scientific integrity.

Most state scientific agencies do not have publicly available scientific integrity or research integrity policies. We found two state agencies that do: the Wisconsin Department of Natural Resources (DNR) ([it published a draft document online](#)) and the [California Department of Fish and Wildlife](#). Despite the disappointing dearth of state

scientific integrity policies, it is encouraging that these agencies have adopted comprehensive approaches to scientific integrity.

The Wisconsin DNR policy has a well-defined scope. It applies to “all department employees... when they engage in, supervise, manage, or influence scientific and scholarly activities, communicate information about the department’s scientific and scholarly activities, or use scientific and scholarly information in making agency policy, management, or regulatory decisions.”

The policy also covers contractors, cooperators, partners, permittees, leases, grantees, and volunteers. Provisions in the California Department of Wildlife policy are less extensive but include all employees and external entities conducting scientific work funded by the department.

The policies are relatively broad in their approaches and what they consider relevant to scientific integrity in comparison to the U.S. university policies we surveyed. The Wisconsin DNR policy covers peer review; communicating the results of scientific activities; releasing scientific information; participating in professional societies; standards for authorship; the treatment of human and animal subjects; avoiding coercive manipulation; and not withholding information that might not support the desired outcome, among other topics.

The California Department of Fish and Wildlife policy is less extensive in its scope than the Wisconsin DNR policy. Still, it addresses the timely and free dissemination of accurate scientific communications and the importance of peer review.

However, neither policy has information about how to file a complaint relating to scientific integrity, what procedures to follow, or who makes decisions about a complaint.

We strongly encourage state agencies to adopt scientific integrity policies and strengthen institutional infrastructure for handling and assessing claims of scientific integrity violations. The absence of these policies deprives state agency researchers of important protections against scientific integrity violations, and makes it much harder for scientists to contest threats to scientific integrity.

## 4 International Research Institutions

The integrity of scientific research is a concern in other countries as well. Many have experienced [high-profile cases of research misconduct](#) and concerning instances of political interference in research.

International scientific collaborations are common, so understanding how different countries approach scientific integrity concepts, in particular, how they define and handle research misconduct, is vital for researchers with international collaborators.

Much like the federal policy in the U.S. that requires universities to develop research misconduct policies to receive federal funding, many of the world's top research-producing nations have national policies that address traditional concepts of research misconduct: fabrication, falsification, and plagiarism. Unfortunately, much like in the U.S., these policies usually don't see scientific integrity as a broad topic that includes concepts such as political interference or open and timely communication of research findings.

Research misconduct policies are relatively common in leading research-producing countries. [A 2015 study examined the research misconduct policies for the top 40 research and development funding countries](#) and found more than half had research misconduct policies in place or were developing them.

According to the study, each country surveyed had a research misconduct policy that prohibited fabrication, falsification, and plagiarism. The inclusion of these concepts is consistent with the statutory language related to PHS and the Department of Health and Human Services (HHS) funding that is the basis for the research misconduct policies of the U.S. universities we examined.

The study also found significant differences in terms of what the definition of research misconduct includes. For example:

- **54.6 percent** of the policies mention unethical authorship
- **36.4 percent** mention unethical publication practices
- **36.4 percent** mention conflict of interest mismanagement
- **31.8 percent** mention unethical peer review
- **27.3 percent** mention poor record-keeping
- **22.7 percent** mention human or animal research violations

A number of countries have research misconduct policies that go beyond what U.S. universities define as research misconduct. These policies include concepts such as the failure to declare or appropriately manage conflicts of interest, inaccurate attribution of authorship, and inadequate acknowledgment of those who make material contributions.

Many of the world's top-producing research countries have not yet expanded their policies to incorporate open communication of scientific information, freedom from political interference, and the professional development of scientists as integral aspects of scientific integrity. But there are non-U.S. scientific communities that recognize the importance of these concepts.

For example, the European Science Foundation (ESF) and the European Federation of Academies of Sciences and Humanities (ALLEA) developed the European Code of Conduct for Research Integrity (ECC) in 2011. The code's principles include honesty in communication, independence, openness, and accessibility.

The code acknowledges that “Coercion of powerful persons or institutions, religious or political pressure, economic or financial interests can corrupt science. Science should, therefore, be as ‘disinterested’ and independent as possible and always impartial, and should have the freedom to adhere to its own laws and criteria” (ECC 2.2.1).

Countries have different mechanisms and procedures for handling research integrity complaints. Under most current systems, much as in the U.S., the institution where the accused scientist works [is generally responsible for investigating claims of research misconduct](#). However, some countries have national bodies that play a role. For example, Finland has a National Research Ethics Committee that serves as an appellate body.

Some countries have an office of research integrity or a figure responsible for overseeing research integrity issues at the federal level; this office may be responsible for several government agencies, similar to the U.S. Office of Research Integrity. And in some countries, the institution where an allegation of research misconduct arises is responsible for investigating the claim and reporting it to the national research integrity office.

## 5 How Can Institutions Improve Their Research Misconduct Policies?

We strongly recommend that public and private universities, state scientific agencies, and international institutions foster a culture of scientific integrity by strengthening scientific integrity policies, increasing awareness of scientific integrity issues and policies within their communities, and strengthening internal evaluation and oversight related to scientific integrity.

The U.S. universities and international institutions we surveyed generally have robust policies that address research misconduct. These address the fabrication and falsification of data and plagiarism, which are the most traditional violations of research integrity. The U.S. institutions we examined all have well-defined processes for receiving, investigating, and resolving allegations of research misconduct.

There are numerous laudable examples of both U.S. universities and international institutions extending their policies beyond the core research misconduct definition of fabrication, falsification, and plagiarism. These improved policies address issues such as deliberate interference with or sabotage of another’s research; abuse of confidentiality; scientists’ ability to freely and publicly communicate scientific information; retaliation; failure to report misconduct; unethical attribution of authorship; conflicts of interest; and handling of human or animal research subjects.

Yet the U.S. universities and international institutions we evaluated often fail to address issues that affect scientific integrity beyond research misconduct. Essentially, they have adopted research misconduct policies but not scientific integrity policies. These research misconduct policies do not address important issues that multiple U.S. agencies include in their scientific integrity policies such as:

- Censorship and political interference with research.
- Scientists' ability to freely communicate scientific information and results to the media and public.
- Scientists' ability to engage in professional development such as publishing in journals, attending professional conferences, or participating in peer review.

These concepts are crucial for U.S. academic institutions to incorporate because they intersect with principles of academic freedom and university scientists' ability to interact with colleagues abroad. Unfortunately, many university policies seek only to meet minimum federal requirements—thus, there is an argument for strengthening the federal laws governing how university research misconduct is addressed. Similarly, national policies in other countries are also missing key concepts such as protecting against censorship and political interference, and should also be strengthened.

Perhaps most disheartening, many state agencies in the U.S. have not adopted scientific integrity policies at all. This lack of protection for scientific research is troubling because state agencies perform critical research and make policy decisions, such as permitting for mining operations, oil and gas wells, and pipelines. The upside is that in the limited cases where state agencies do have scientific integrity policies, they include broad scientific integrity principles.

All research institutions and agencies should adopt scientific integrity policies with a comprehensive definition of research misconduct and scientific integrity.

The increasing politicization of science means that scientific institutions must do more to protect their researchers from censorship, intimidation, and political interference. Some U.S. federal agencies address these and other issues in their scientific integrity policies—albeit imperfectly. Universities, state agencies, and international institutions should consider those policies as starting points to broaden their approach.

Self-censorship, in particular, is an issue that no research misconduct or scientific integrity policy we reviewed deals with explicitly, and it is an increasingly significant issue. This type of censorship typically occurs among those researching climate change, vaccines, stem cells, and other politically contentious research topics.

Even in the absence of an explicit directive, researchers may absorb the message that they shouldn't write grant proposals that deal with such politicized topics, or remove triggering words from their publications to avoid negative repercussions. Those in senior positions may pressure junior scientists to choose different research topics or edit their work to eliminate potentially politically-charged discussions.

This self-censorship or pressure to self-censor is a problem at government agencies and universities where government grants fund research. Despite being a threat to scientific integrity, we haven't found a scientific integrity policy that recognizes or addresses self-censorship.

Finally, while the U.S. universities we examined have relatively uniform and well-developed procedures for handling research integrity complaints, the same is not true for state agencies. State agencies must adopt

policies that—even if limited in scope—offer their researchers guidance on where to turn and what procedures to follow if they are facing a research misconduct or scientific integrity issue.

## 6 Appendix

A variety of policies and procedures govern the investigation of research misconduct complaints at U.S. universities, as illustrated by representative examples from Harvard, MIT, Stanford, and UC Berkeley.

### Who is responsible for applying/enforcing the research misconduct policy?

University policies differ in terms of who has primary responsibility for managing investigations into alleged research misconduct.

- **Harvard:** A standing Committee on Professional Conduct, which works with a Research Integrity Officer to review research misconduct allegations and manage investigations.
- **MIT:** The Vice President for Research; this person reports to the provost who has ultimate decision-making authority.
- **Stanford:** The dean of the appropriate school, who coordinates with the Dean of Research, who acts on behalf of the provost.
- **UC Berkeley:** The Vice Chancellor for Research, who may appoint a Research Integrity Officer.

Policies can give the designated official the leeway to appoint or arrange for other personnel to investigate the claim if it's deemed appropriate.

- **Stanford:** “The dean’s review of an allegation of research misconduct and, if called for, the inquiry and investigation may be carried out personally or through such standing or ad hoc arrangements as each deem deems best.”
- **UC Berkeley:** The designated official can appoint a Research Integrity Officer.

Some policies offer more guidance than others as to what form the complaint should take. For example, the UC Berkeley policy requires that an allegation state the nature of the suspected misconduct and present evidence that led the reporting individual to believe misconduct occurred.

A few policies impose an affirmative duty to report suspected research misconduct.

- **MIT:** “Each member of the MIT community has a responsibility to report any conduct that he or she believes in good faith to be Research Misconduct at MIT.”

- **Stanford:** “Any individual who believes an act of research misconduct has occurred or is occurring should notify the dean of the appropriate school... Reporting such concerns in good faith is a service to the University and to the larger academic community, and will not jeopardize anyone’s employment.”

## What is the process for investigating a complaint?

Some policies break the investigative process into stages.

- **MIT:** The process has four phases: an initial assessment, inquiry, investigation, and disciplinary procedure.
- **Stanford:** Refers to a preliminary assessment, inquiry, and investigation; the policy addresses the determination of discipline in a later section.
- **UC Berkeley:** The investigation has four phases: a preliminary assessment, inquiry, investigation, and disciplinary procedure.

## Preliminary/Initial Assessment

When an allegation of misconduct is received, the policies generally require the responsible or receiving official to assess the claim and decide whether it meets the definition of research misconduct. They must also determine whether the evidence presented is credible enough to warrant further investigation to identify evidence of research misconduct. If so, the inquiry phase begins.

The language policies use to describe this stage varies. For example, according to the MIT policy, which is less specific, the Vice President for Research determines “whether the alleged misconduct falls within the scope of this Policy.”

## Inquiry

The inquiry phase is for conducting preliminary fact-finding and information-gathering; it involves locating and reviewing relevant documents and interviewing people with relevant knowledge. This information is used to determine whether an allegation of research misconduct has enough substance to warrant a full investigation. Even in instances where such appointments are not required, policies often allow the responsible official to designate a Research Integrity Officer or similar agent to manage the process.

- **Harvard:** A standing committee handles inquiries.
- **MIT:** The Vice President for Research “will appoint one or more impartial fact-finders to conduct the Inquiry.” The fact-finders do not need to be from the MIT community.
- **UC Berkeley:** The responsible official appoints members of an inquiry committee to conduct this process.

On the subject of interviewing relevant witnesses, the Harvard policy is more thorough:

“The inquiry committee ordinarily will interview the complainant, the respondent, and key witnesses as well as examining relevant research records and materials. Any interviews will be recorded or transcribed, with recordings or transcripts provided to the interviewee for correction. Then the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry. In consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this Policy.”

By contrast, the MIT policy discourages interviews, saying the inquiry should be limited to reviewing documents if reasonably possible.

Policies usually require the individual alleged to have committed misconduct to be notified at this stage and, to some degree, have the chance to review and comment on relevant documents.

- **Harvard:** The respondent can file objections to the committee membership, with the Dean of the Committee on Professional Conduct making the final decision about whether a conflict exists.
- **MIT:** Requires the respondent be given reasonable, supervised access to relevant records, and also the chance to challenge the membership of the inquiry committee. The respondent should be advised of their right to select an MIT advisor to support them during the inquiry process.
- **Stanford:** Does not provide the right to review documents or challenge who the relevant dean appoints to handle the inquiry, but the person accused of misconduct has the right to comment on the allegations
- **UC Berkeley:** The individual accused of misconduct must be able to review relevant documents during the inquiry stage.

The inquiry culminates in a written report prepared by the party or parties who conducted the inquiry. Most policies give the person accused of misconduct the right to review and comment on the report.

According to the Harvard policy, the Office of General Counsel can advise the inquiry committee and the Research Integrity Officer on the report, so scientists should be aware that university counsel may become involved.

The relevant official typically makes a written recommendation on whether a full investigation is warranted, based on the report. This recommendation is submitted to a higher-level deciding individual or official, such as the provost or a particular dean.

#### **Timing of the Inquiry Phase:**

Some universities impose a time limit on the inquiry phase. For example, the UC Berkeley, Harvard, and Stanford policies all state that the inquiry should be completed within 60 days.



The Harvard policy also says that the preliminary assessment should be concluded within a week, or otherwise as expeditiously as possible.

The Harvard policy is also an example of one that requires school officials to begin an assessment quickly after receiving an allegation. It says that “[u]pon receiving an allegation of misconduct, the [Research Integrity Officer] and the [Committee on Professional Conduct] Chair *immediately* will assess the allegation...” (emphasis added). MIT, by contrast, says that if an inquiry is called for, it should follow “promptly” after the initial assessment, a less stringent requirement.

The policies we surveyed don’t mention specific time requirements for the investigation stage; a few provide limited guidance on this point. For example, the Harvard policy states that if an investigation is warranted, it should begin “shortly” after completion of the inquiry; if PHS funding is involved, it must start within 30 days.

## Investigation

The investigation phase begins if it’s determined that an investigation is warranted. This phase involves evaluating evidence and testimony to determine whether research misconduct occurred and, if so, who was responsible and the severity of the violation.

Universities that require an investigative committee to handle the investigation expect committee members to be different depending on whether the person accused is a student, postdoctoral fellow, professional researcher, non-faculty academic, or faculty member. Diversifying the committee ensures that it has a certain number of peers of the accused person.

- **Harvard and UC Berkeley:** Require appointment of an investigative committee to conduct the investigation and determine whether research misconduct occurred and, if so, recommend appropriate disciplinary actions.
- **MIT:** Allows the Vice President of Research to appoint an impartial investigator or investigating committee.
- **Stanford:** Doesn’t mention the subject except to say that the final report should be sent to the Dean of Research.

The Harvard policy also requires a review of relevant research data and other documents and interviews with all parties.

As with the inquiry phase, it’s usually required that the accused person be notified that an investigation is happening and, to varying degrees, that they’ll have an opportunity to review documents and register objections.

- **Harvard and UC Berkeley:** Give the accused person the right to object to the members of the investigative committee.
- **Stanford:** Provides the accused with the right to receive a summary of each interview conducted and comment on them.

The investigation typically culminates with a written report, prepared by the person or committee conducting the investigation. Some policies require that this report describe the procedures followed during the investigation and the findings reached. The universities we surveyed vary in terms of expecting the investigation report to recommend whether disciplinary action is appropriate.

- **Harvard:** No mention of this subject.
- **MIT and UC Berkeley:** Call for the investigation report to include such a recommendation.
- **Stanford:** The relevant school dean or the Dean of Research makes the decision.

Most policies we reviewed require that the person accused of misconduct have an opportunity to review the report and submit comments.

The final report is usually submitted to the ultimate deciding official who makes a written decision about whether to accept the report's findings and recommendations. The universities we surveyed specify that if the deciding official's decision differs from the report's findings, the deciding official must explain the difference.

## Disciplinary Procedures

The policies we evaluated differ in terms of whether and how they designate the authority responsible for deciding if and what types of disciplinary actions are appropriate.

- **MIT:** The provost makes this determination.
- **Stanford:** The policy is less clear on who decides whether sanctions are appropriate and the nature of them. The policy states, "If either the school dean or the Dean of Research considers that sanctions may be warranted, the Dean of Research shall refer the final report to the University official who makes that determination."
- **UC Berkeley:** The Vice Chancellor for Research determines whether research misconduct was committed and decides whether to recommend taking disciplinary action to the Executive Vice Chancellor.

Another common feature is that the disciplinary process may differ based on whether the person at issue is a student, postdoctoral fellow, academic researcher, or a faculty member.

- **MIT:** The policy does not have detailed provisions on this point—it only states that in the case of revocation of a faculty member, MIT will terminate their contract. If a student is a complainant, respondent, or witness, the fact-finders and investigators must seek guidance from the Office of the Vice President for Research
- **Stanford:** Section nine of the policy specifies that "in cases involving faculty, disciplinary sanctions may only be imposed through the faculty disciplinary process. The Dean of Research will refer cases of significant student misconduct to the Student Judicial Officer. Cases involving staff members will be referred to the appropriate administrator."

- **UC Berkeley:** In cases involving a faculty member, the faculty handbook governs the imposition of sanctions. In the case of a postdoctoral fellow, the postdoctoral scholars department may be responsible for imposing any sanctions. If a case involves a student, the Office of Student Conduct decides the appropriate discipline.

## Time Limitations

Most of the university policies do not impose explicit time limits for initiating a scientific integrity complaint. However, some do. For example, UCLA's policy states that the university will generally not begin an inquiry and investigation if an allegation is received more than six years after the alleged research misconduct occurred. Other policies address timing issues more obliquely; for example, Harvard's policy states that the policy can apply to someone no longer affiliated with the university, which suggests that there aren't strict time limits.

## Right of Appeal

Most of the universities whose policies we reviewed do not give a scientist found guilty of committing research misconduct the right to appeal that decision. There are exceptions, however. Columbia's policy, for example, provides the respondent with the right to appeal to the provost within 30 days of receiving the decision.

## Confidentiality

Many university policies address confidentiality in the context of research misconduct investigations.

- **MIT:** The policy says it will “maintain confidentiality to protect the privacy of all involved, to the extent possible and as permitted by law.” It also states that “only those people with a need to know should be informed of a complaint.”
- **UC Berkeley:** “All individuals affected by the investigation will be accorded confidential treatment to the maximum extent possible in an investigation.”

This sort of language is vague in that it does not elaborate on “maximum extent possible” or state when it's appropriate to breach confidentiality or impose requirements on the accused or accuser to keep the investigation confidential.

## Whistleblower and Retaliation Protections

Some university policies we evaluated address retaliation against someone who reports suspected research misconduct.

- **MIT:** “No one shall be retaliated against for participating in a review of a misconduct allegation in good faith as a Complainant, a witness, a fact-finder, or investigator or in any other capacity.” The policy also states that retaliation may give rise to disciplinary action, including termination.
- **Stanford:** The university “prohibits retaliation of any kind against a person who, acting in good faith, reports or provides information about suspected or alleged misconduct.”

## Conflicts of Interest

Some policies we surveyed address situations where the official or officials handling the investigation have conflicts of interest.

- **Harvard:** The policy uses inclusive language and says that “[t]he inquiry committee will consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest...”
- **MIT:** The policy states that the Vice President for Research should ensure that fact-finders and investigators “have no real or perceived conflicts of interest.”
- **Stanford:** “If, during an investigation, facts come to light that could affect current or potential funding of the people under investigation, or that may, in the dean’s judgment, need to be disclosed in order to ensure proper use of research funds or protection of the public interest, these facts should be reported to the Dean of Research as they are learned.”

## Notifying External Agencies

Some policies we examined address the fact that, in some circumstances, federal regulations require the school to notify external funding agencies about an investigation. The Stanford policy contains a provision of this kind. The MIT policy has a less clear provision, which says that “[t]o the extent a sponsor requires notification from MIT that research it funded has become the subject of proceedings under this Policy, the Vice President for Research will supply that notification.”

**This guide is not a substitute for legal advice. If you are a scientist facing a scientific integrity issue, please contact CSLDF or another attorney for help.**

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**Contact CSLDF at  
(646) 801-0853**

**Or send an email to  
[lawyer@csldf.org](mailto:lawyer@csldf.org)**

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# NOTES

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The Climate Science Legal Defense Fund produced this guide to help scientists understand their rights under scientific integrity policies at universities, state agencies, and international institutions. This guide concerns only U.S. laws, and nothing in it should be construed as legal advice for your individual situation.

CSLDF provides free counsel to scientists with legal questions pertaining to their work. Contact us at **(646) 801-0853** or email **lawyer@csldf.org** to arrange a free and confidential consultation with an attorney.



**The Climate Science Legal Defense Fund (CSLDF)** works to protect the scientific endeavor by helping defend climate scientists against politically and ideologically motivated attacks. CSLDF is a non-profit organization under section 501(c)(3) of the Internal Revenue Code.

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**The conclusions and opinions expressed in this report do not necessarily reflect those of the organizations that funded the work or the individuals who reviewed it. CSLDF bears sole responsibility for the report contents.**

**Mailing Address**

475 Riverside Drive  
Suite 244  
New York, NY 10115

**Website**

[csldf.org](http://csldf.org)

**Twitter**

[@ClimSciDefense](https://twitter.com/ClimSciDefense)

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