

**NEW COLLEGE OF FLORIDA
REGULATIONS MANUAL**

CHAPTER 4 - Academic Affairs

4-6304 Fiscal Misconduct in Sponsored Research

In recent years, the issue of misconduct in research has become a matter of concern to research institutions, individual scientists, sponsors of research, including the federal government and the general public. Several categories of misconduct are recognized by federal government agencies in reporting/accountability documents including fiscal and scientific misconduct. Fiscal misconduct in research is the subject matter of this statement and may result from mismanagement of research monies and personnel by contract and/or grant recipients, employees, or other related persons.

- (1) It is the intention of the College that all research conducted by its faculty, students or other associates will comply with generally accepted ethical and legal standards for accounting and accountability in research.
- (2) This regulation establishes procedures for reporting and inquiring into possible fiscal misconduct in research when it is believed those ethical and legal standards are not being met at New College of Florida.
- (3) The responsibility for implementing and overseeing these procedures lies with the College's president. The responsibility for conducting inquiries into allegations of misconduct lies with the responsible administrative official as defined in part II of this document. Responsibility for determination of appropriate discipline or evaluative actions in response to a finding of fiscal misconduct remains with the Provost.
- (4) These procedures are applicable to all cases of alleged or apparent fiscal misconduct in research at the College.
- (5) Fiscal misconduct in research is defined as:
 - (a) fabrication or falsification of fiscal or personnel data;
 - (b) intentional disregard for College, state or federal policies and procedures and/or grant or contracting agency/entity requirements, including requirements related to use of grant funds, personnel or equipment;
 - (c) other deliberate actions that deviate from commonly accepted practices in the course of proposing and administering research projects; or
 - (d) negligent administration of research projects.
- (6) The procedures for reporting and inquiring into allegations of fiscal misconduct in research are presented below. The interests of the person charged with fiscal misconduct, the College, and any agencies or sponsors involved with the research are served best by a rapid and thorough inquiry into all allegations.
 - (a) Each person having access to any materials related to allegations of fiscal misconduct in research shall maintain such information in confidence to the maximum extent possible under applicable law consistent with carrying out the procedures set forth herein.

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- (b) Altering, modifying, concealing, or destroying related information or records by any person may be a criminal violation, may result in discipline for misconduct and may violate the Code of Ethics for state employees.
- (c) Any person who has reason to believe that an individual has engaged in an act of fiscal misconduct in research at the College should report that act to the responsible administrative official having supervisory authority for the person so charged.
1. Usually, the responsible official will be the division chair.
 2. For administrative units in which there are no departments or when the person charged is a division chair, the report would typically be made to the Provost.
 3. Charges against Directors or Deans should be reported to the Provost. If such charges are reported to any other person, that person should refer the report directly to the appropriate administrative official.
- (d) Reporting – Summary of Allegations
1. The administrative official shall promptly provide to the president a verbal summary of the allegations. Based on this summary, the president will determine if a contracting or granting agency must be notified and whether or not there is a reasonable indication that a possible criminal violation has occurred, in which case investigation by the Campus Police may be initiated. In making these determinations, the president may seek advice and counsel from the general counsel and other appropriate administrative officials.
 2. The administrative official shall provide the person charged with a verbal summary of the allegations, and invite response of the person charged, unless the administrative official has a good-faith belief that evidence of the alleged fiscal misconduct will be destroyed or that the inquiry will otherwise be compromised by informing the person charged, in which case advice may be sought from the general counsel and/or the Campus Police, as appropriate.
- (e) The Initial Inquiry. The administrative official shall promptly initiate and conduct a preliminary informal inquiry that may include gathering information and records, and conducting interviews. During the inquiry, the administrative official should consider the content and reliability of the information (e.g., degree of specificity, supporting documentation, etc.) and any prior knowledge of the individuals and events associated with the possible fiscal misconduct. The administrative official conducting the inquiry is authorized to consult with any person whose advice (s)he finds appropriate. This includes consulting with the Vice President for Finance and Administration.

Throughout the inquiry, the administrative official shall take reasonable steps to obtain or preserve the information and records necessary to make a determination in the matter and to protect the anonymity of the person bringing charges, in order to protect him/her from possible reprisals. In all cases where testimony of the person bringing charges is essential or contains important evidence, that person must provide a written and signed statement of charges. If reprisals are brought against the person making charges, the College shall take appropriate action in conformance with College regulations and State and Federal law.

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- (f) **Initial Inquiry Results.** After completing the inquiry, the administrative official will present a written report containing a statement of the evidence reviewed, summaries of relevant interviews, and his/her conclusions to the Provost and the general counsel for their information, and to the president to determine if further inquiry is warranted. This report will also be used in determining necessity of reporting to granting or contracting agencies.
- (g) **Findings – Procedures**
1. **Finding of No Misconduct.** If it is determined by the president that no further inquiry is warranted, the initial inquiry report and all other documents concerning the inquiry will be kept in a file separate from the personnel file of the person charged, with access limited to the fullest extent permitted by law, including but not limited to, Florida Statutes, Section 1012.91, that provides for release of evaluative employee information only upon the employee's authorization, court order, or for use by College officials in discharge of official duties. The inquiry will not be mentioned in the personnel file of the person charged. The person charged will be notified that the charges have been dismissed and shall be given a copy of the report. In addition, the person making the charges will be informed that the charges have been dismissed. If the person making the charges feels that the charges have been dismissed prematurely, (s)he may request that the next higher administrative official review the matter.
 2. **Findings of Misconduct.** If it is determined by the president that there is fiscal misconduct, the president shall direct the administrative official to forward the written inquiry report and all records and information in the matter to the Provost, the president and the general counsel. The president, in consultation with the general counsel and other appropriate administrative officials, will determine whether or not the alleged fiscal misconduct in research may be an indication of possible scientific misconduct in research, as defined in New College of Florida Policy 0-301 Misconduct in Research. New College of Florida Policy 0-301 defines misconduct in research as fabrication or falsification of data, plagiarism, or other practices which seriously deviate from commonly accepted practices in proposing, carrying out, or reporting research.
 - a. If the president determines that the alleged fiscal misconduct should be inquired into as possible scientific misconduct, the president will return the written inquiry report and all records and information in the matter to the person conducting the initial inquiry for re-evaluation of the allegations under New College of Florida Policy 0-301 Misconduct in Research which will supersede this regulation. All further inquiries will be conducted pursuant to New College of Florida Policy 0-301.
 - b. If the president deems that the alleged fiscal misconduct should not be inquired into as possible scientific misconduct, the president will forward the written inquiry report and all records and information in the matter in his/her possession, along with any recommendations, to the Provost. The responsibility for determination of appropriate discipline or evaluative actions in response to a finding of fiscal misconduct resides with the Provost.

Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Board of Governors Regulation 1.001

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