



Standard Administrative Policy and Procedure

Subject: Responding to Allegations of Research Misconduct

Number: UW SAP 9-3.6

I. PURPOSE

This Policy is designed to ensure integrity across all University research, whether funded or unfunded. The University follows a uniform process for handling all allegations of Research Misconduct which is modeled after the Research Misconduct standards of the U.S. Public Health Service (PHS), 42 CFR Part 93, and is intended to satisfy the requirements of other federal agencies as applicable, such as 45 CFR Part 689, 10 CFR Part 733, and Department of Defense Instruction 3210.7.

II. DEFINITIONS

See Appendix A.

III. POLICY

- A. The University is committed to integrity in Research and will address any allegation of Research Misconduct with a thorough, competent, objective, and fair proceeding. The Research Integrity Officer (RIO) and any designated staff assisting the RIO shall have the authority and resources necessary to carry out all duties under this Policy without undue interference from any University official or administrative unit.
- B. All Institutional Members are required to know and follow this Policy and must report allegations of observed, suspected, perceived or apparent Research Misconduct to the RIO or a University Administrator. Institutional Members may report allegations of Research Misconduct directly to the RIO or through other more anonymous means, such as the UW Report a Concern portal. Research Misconduct includes fabrication, falsification, or plagiarism, in proposing, performing, or reviewing research, or in reporting research results.

If an individual is unsure whether a suspected incident falls within the definition of Research Misconduct, they may contact the RIO for a confidential, informal discussion. If the circumstances described by the individual do not meet the definition of Research Misconduct, the RIO will refer the individual or allegation to other appropriate offices or officials to assist with resolving the problem.

- C. All Institutional Members must Cooperate in the Preliminary Assessment, Inquiry, and Investigation proceedings of Research Misconduct allegations. Non-Cooperation with these proceedings or this Policy could result in corrective or administrative action pursuant to University regulations and policies, including but not limited to the UW Employee Handbook or Student Code of Conduct, as applicable.
- D. Any Institutional Member accused of Research Misconduct may consult with independent outside legal counsel to seek advice at their own expense.

E. Sequestration of the Research Records.

After determining that an allegation may fall within the definition of Research Misconduct, or at any stage during an Inquiry or Investigation proceeding, the RIO must take prompt measures to ensure that all original Research Records, evidence, and other materials relevant to the allegation are immediately secured and inventoried. Where the Research Records or evidence encompass scientific instruments shared by multiple users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instrument. The RIO will provide the Respondent with an inventory of items sequestered and will provide copies of sequestered items to the extent possible.

F. Evidence Standard and Processes.

1. Research Misconduct must be proven by a preponderance of the evidence, meaning it is more likely than not, based on the evidence, that Research Misconduct occurred. Due consideration shall be given to admissible, credible evidence of honest error or differences of opinion.
2. Research Misconduct also includes finding that the Respondent's conduct constitutes a significant departure from accepted practices of the relevant research community.
3. The Respondent does not have the burden of disproving the allegations against them but may provide evidence of all affirmative defenses and any mitigating factors that are relevant.
4. When it has been established by a preponderance of the evidence that the Respondent intentionally, knowingly, or recklessly destroyed Research Records, failed to maintain them, or failed to produce them in a timely manner, the destruction of, absence of, or failure to provide the Research Records can be used as evidence of Research Misconduct.
5. Except as may otherwise be prescribed by applicable law, confidentiality must be maintained for any records or evidence from which research

subjects might be identified, and disclosure is limited to those who need to know to carry out a Research Misconduct proceeding.

6. The RIO will ensure that there are no unreasonable delays throughout the Research Misconduct proceedings and all proceedings are completed in a timely manner.

G. Confidentiality. All Preliminary Assessments, Inquiries, and Investigations proceedings will be conducted in a manner that will ensure fair treatment to the Respondents and confidentiality to the extent possible without compromising public health and safety or thoroughness of the processes.

1. The RIO shall, to the extent possible, protect the confidentiality of the parties, witnesses, and proceedings of Research Misconduct during the proceedings.
2. Disclosure by anyone involved in a Research Misconduct proceeding of the identity of Respondents, Complainants, and witnesses is limited, to the extent possible, to those who are relevant and need to know, such as institutional review boards, University Administrators, journals, editors, publishers, co-authors, and collaborating institutions, and as allowed or required by law. This includes federal agencies, such as the Office of Research Integrity (ORI) for Public Health Service (PHS)-funded research, consistent with a thorough, competent, objective, and fair Research Misconduct proceeding.

IV. INQUIRY PROCEDURES

A. Conducting a Preliminary Assessment of Allegations.

Upon receiving an allegation of Research Misconduct, the RIO will promptly consult with the Faculty Senate Research Committee Chair and the Vice President of Research and Economic Development to assess the allegation for sufficiently credible and specific evidence under the definition of Research Misconduct; however the RIO will ensure that no identifiable information regarding the alleged Respondent is disclosed during this consultation. After consultation, the RIO will make the final determination on whether or not the allegation warrants an Inquiry. The RIO will also determine the source of funding for potential notice and reporting requirements to any federal agencies.

If the RIO determines that there is sufficiently credible and specific evidence, the RIO will initiate an Inquiry into the allegation. If not, they must keep sufficiently detailed documentation of their assessment to permit a later review by federal agencies of the reasons why an Inquiry was not initiated.

B. Admissions. Institutional Members can make an admission of Research Misconduct at any time during the Inquiry and Investigation proceedings. If an admission is made, the RIO will ask the admitting Respondent to sign a statement attesting to the facts and extent of Research Misconduct. When the case involves federal support, the RIO cannot accept an admission of Research Misconduct as a basis for closing a case or not undertaking an Investigation without prior approval from the relevant federal agency.

C. Conducting the Inquiry.

1. Initiation and purpose of the Inquiry. Following a Preliminary Assessment, if the RIO determines that the allegation provides sufficient and credible information to allow specific follow-up and falls under the definition of Research Misconduct, they will immediately initiate an Inquiry. The RIO will provide notice to the Respondent of the allegations through a good faith effort in writing at the time of or before beginning an Inquiry.

In initiating the Inquiry, the RIO shall clearly identify the original allegation and any additional allegations to be evaluated. The purpose of the Inquiry is to make a preliminary evaluation of the available evidence, including testimony of the Respondent, Complainant, and key witnesses, to determine whether there is sufficient evidence of possible Research Misconduct to warrant an Investigation. The purpose of the Inquiry is not to reach a final conclusion but to determine whether the allegation warrants an Investigation. The Inquiry may pursue new leads without restarting the process. The findings of the Inquiry must be set forth in an Inquiry Report.

2. Appointment of the Inquiry Committee. The RIO, in consultation with other relevant University Administrators and personnel as appropriate, will appoint an Inquiry Committee. The Inquiry Committee should consist of an odd number of individuals who do not have a Conflict of Interest, are unbiased, and have the necessary expertise to evaluate the evidence for each allegation, including interviewing the witnesses, and conduct the Inquiry. These individuals may include scientists, subject matter experts, or other qualified persons, and they may be from inside or outside the University.

The Dean and Department Chair, or equivalent in the Respondent's department, should be notified in writing of the appointment of an Inquiry Committee.

3. Notice to Respondent. On or before the date on which the Inquiry begins, the RIO will notify the presumed Respondent(s) in writing of each allegation. The notification to the Respondent(s) should include:

a. The specific allegation(s),

- b. Their rights and responsibilities,
- c. The purpose of the Inquiry,
- d. The role of an Inquiry Committee,
- e. A description of the Inquiry process, and
- f. A copy of this Policy.

The RIO must also notify the Respondent of the names of the individuals on the Inquiry Committee and allow the Respondent to submit a written objection of any appointed member of the Inquiry Committee to the RIO, based on bias or Conflict of Interest within five (5) calendar days on the notice. The RIO will determine whether to replace the challenged member with a qualified substitute with the same or similar status or field, if possible, based on a real or perceived Conflict of Interest and document the request and determination.

- 4. **Charge to the Inquiry Committee.** After notice has been given to the Respondent, the RIO will prepare a charge for the Inquiry Committee explaining the purpose of the Inquiry, which is to make a preliminary evaluation of the evidence and gather testimony from the Respondent, Complainant, and key witnesses to determine whether sufficient evidence of possible Research Misconduct exists to warrant an Investigation. The charge shall also, at minimum, state:
 - a. The time for completion of the Inquiry,
 - b. Description of the allegation,
 - c. Related issues to the allegation identified during the allegation Preliminary Assessment, and
 - d. Responsibilities of the committee, such as examining the Research Record, conducting interviews with relevant individuals, and preparing an Inquiry Report that recommends whether an Investigation should be conducted.
- 5. **Inquiry Committee Process.** After receiving the charge, the Inquiry Committee will hold their first meeting as soon as possible. At the meeting, the committee will select its Chair and discuss the need for confidentiality during the proceeding.

The Inquiry Committee will conduct the Inquiry by evaluating the evidence and providing an opportunity to the Complainant, the Respondents, and key witnesses to be interviewed and to examine relevant evidence. Interviews will be recorded and transcribed using confidential services, with transcripts provided to interviewees for correction.

6. The Inquiry Report. A written Inquiry Report must be prepared by the Inquiry Committee based on the committee's findings. The Chair of the Committee should lead the drafting of the committee's Inquiry Report that states the following:

- a. The names and positions of the Respondents, Complainants, and Inquiry Committee members involved,
- b. Each allegation,
- c. The federal or other funding support, if any,
- d. A list of the Research Records reviewed,
- e. Transcripts of interviews conducted,
- f. A description of the evidence in sufficient detail to demonstrate whether an Investigation is warranted or not, and
- g. A determination as to whether an Investigation is recommended and whether any other actions should be taken if an Investigation is not recommended.

7. Comments on the draft Inquiry Report. The Chair of the Inquiry Committee will provide the draft Inquiry Report to the RIO. The RIO will provide the Respondent with a copy of the draft Inquiry Report and reasonable, supervised access to the Research Records and other evidence reviewed by the Inquiry Committee in reaching its determination for purposes of comment and rebuttal. The RIO may provide the Complainant, if identifiable, with portions of the draft Inquiry Report or a summary of the findings that pertain to the Complainant's Allegations in the Inquiry.

The Respondent and Complainant will be provided with seven (7) calendar days to submit their comments. These comments will be provided to the RIO and the Inquiry Committee and must be appended to the Inquiry Report in their entirety. The Inquiry Committee may choose to amend the Inquiry Report based on the comments, but are not required to do so.

Within seven (7) calendar days of receiving all comments, the Inquiry Committee shall submit the Inquiry Report to the RIO.

8. **Inquiry decision and notification.** The RIO will transmit the final Inquiry Report to the Deciding Official, who will make the determination of whether findings from the Inquiry provide sufficient evidence of possible Research Misconduct to justify conducting an Investigation. The Deciding Official will have fourteen (14) calendar days from receipt of the Inquiry Report to complete their review and make a determination whether to proceed with the Investigation.

The Deciding Official shall issue a written decision that includes their determination and reasoning. If the Deciding Official's findings differ from the committee's findings, they shall provide an explanation.

If the Deciding Official decides that an Investigation is not warranted, the RIO shall secure and maintain sufficiently detailed documentation of the Inquiry for seven (7) years after the termination of the Inquiry. These documents must be provided to any relevant federal agency or other authorized federal personnel upon request.

The RIO will notify the Respondent and, at its discretion, the Complainant, in writing of the Deciding Official's determination and will remind them of their obligation to Cooperate in the event an Investigation is opened. The notice to Respondent must include a copy of the final Inquiry Report, this Policy and a copy of 42 CFR §93.308 if the research is PHS-funded. The RIO will also notify all appropriate University personnel of the Deciding Official's decision.

9. **Time limit for completing the Inquiry Report.** The Inquiry is completed when the Deciding Official issues their written decision, which will ordinarily be made within ninety (90) calendar days of the first meeting of the Inquiry Committee, unless circumstances clearly warrant a longer period.

The RIO is the only one who may approve an extension. Extensions may only be granted for up to thirty (30) calendar days at the RIO's discretion. The reason for the extension and the RIO's decision to grant the extension will be entered into the records of the case and the Inquiry Report. The Respondent and any other required federal agencies will be notified of the extension.

V. INVESTIGATION PROCEDURES

A. Conducting the Investigation.

1. **Initiation and purpose of the Investigation.** The initiation of the Investigation must begin within thirty (30) calendar days of the decision by the Deciding Official that an Investigation is warranted. The purpose of the Investigation is to explore in detail the allegations, to examine the evidence,

and to determine whether Research Misconduct has been committed, by whom, and to what extent. Reasonable steps must be taken to ensure an impartial and unbiased Investigation to the maximum extent practicable.

The Investigation will also determine whether there are additional instances of possible misconduct that would justify broadening the scope of the Investigation beyond the initial allegations. This is particularly important where the alleged Research Misconduct involves clinical trials or potential harm to human subjects or the general public, or if it affects research that forms the basis for public policy, clinical practice, or public health practice.

The Investigation is initiated at the time of the first meeting of the Investigation Committee.

2. **Appointment of the Investigation Committee.** The RIO, in consultation with other relevant University Administrators and personnel as appropriate, will appoint an Investigation Committee within fifteen (15) calendar days of the Deciding Official's decision that an Investigation must be conducted.

The Investigation Committee should consist of at least three (3) individuals who do not have a Conflict of Interest, are unbiased, and have the necessary expertise to evaluate the evidence and the allegations, interview witnesses, and conduct the Investigation. These individuals may include scientists, subject matter experts, or other qualified persons, and they may be from inside or outside the University.

Individuals appointed to the Investigation Committee may also have served on the Inquiry Committee.

3. **Notice and new allegations.** On or before the date on which the Investigation begins, the RIO must make a good faith effort to notify the Respondent in writing of the allegations being investigated.

The RIO must also notify the Respondent of the names of the individuals on the Investigation Committee within five (5) calendar days after the appointment of the Investigation Committee and allow the Respondent to submit a written objection of any appointed member of the Investigation Committee to the RIO, based on bias or Conflict of Interest within five (5) calendar days on the notice. The RIO will determine whether to replace the challenged member with a qualified substitute based on a real or perceived Conflict of Interest and document the request and determination.

If there are any new allegations, the RIO must give the Respondent written notice within fourteen (14) calendar days of the decision to pursue new allegations. If additional Respondents are identified, the RIO must notify them and provide an opportunity to respond, though a separate Inquiry is not required. While the same committee may investigate multiple

respondents, each must receive a separate reports and individual misconduct determination.

The RIO, with assistance from other relevant University Administrators and personnel as appropriate, will immediately sequester any additional pertinent Research Records that were not previously sequestered during the Inquiry. This sequestration may include copies of data or evidence if substantially equivalent in evidentiary value. This sequestration should occur before or at the time the Respondent is notified that an Investigation has begun. The procedures to be followed for sequestration during the Investigation are the same procedures that apply during the Inquiry. For federally funded research, the RIO will notify the relevant agency as required by agency policy.

4. **Charge to the Investigation Committee.** After notice has been given to the Respondent, the RIO will prepare a charge for the Investigation Committee explaining the purpose of the Investigation, which is to evaluate the evidence and testimony of the Respondent, Complainant, and key witnesses and to determine whether, based on a preponderance of the evidence, Research Misconduct occurred and, if so, to what extent, who was responsible, and its seriousness. The charge shall also, at minimum sets forth the time for completion of the Investigation and describe the allegations and related issues identified during the Inquiry.
5. **Investigation Committee process.** After providing the charge, the RIO will convene the first meeting of the Investigation Committee to review the charge, the Inquiry Report, the Deciding Official's written decision, and this Policy. The Investigation Committee will select its Chair at this first meeting and discuss the need for confidentiality during the proceeding.

The Investigation Committee will provide an opportunity to the Complainant, the Respondents, and any other available person who has been reasonably identified as having information regarding any relevant aspect of the Investigation, including witnesses identified by the Respondent, to be interviewed. All interviews will be recorded and transcribed, with transcripts provided to each interviewee for correction and inclusion in the Investigation record.

The Investigation Committee and the RIO shall diligently pursue all significant issues and leads discovered that are determined relevant to the Investigation, including evidence of any additional instances of possible Research Misconduct. During the Investigation, if additional information becomes available that substantially changes the subject matter of the Investigation or would suggest additional allegations or Respondents, the committee will notify the RIO, who will determine whether it is necessary

to notify the Respondent of the new subject matter or allegations or to provide notice to additional Respondents.

The Investigation Committee and the RIO shall use diligent efforts to ensure that the Investigation is thorough and sufficiently documented and includes examination of all Research Records and evidence considered in reaching a decision on each allegation.

6. The Investigation Report.

An Investigation and final Investigation Report for each Respondent must be completed by the Investigation Committee within 180 calendar days from its first meeting. The Investigation Report must be in writing and shall include:

- a.** Description of the nature of the allegations of Research Misconduct, including any additional allegations addressed during the Research Misconduct Proceeding,
- b.** Description and documentation of any support, including, for example, any grant numbers, grant applications, contracts, and publications listing federal support,
- c.** Description of the specific allegations of Research Misconduct for consideration in the Investigation of the Respondent,
- d.** Composition of Investigation Committee, including names, position, and subject matter expertise,
- e.** Inventory of sequestered Research Records and other evidence, except records the institution did not consider or rely on; and a description of how any sequestration was conducted during the Investigation. This inventory must include manuscripts and funding proposals that were considered or relied on during the Investigation,
- f.** Transcripts of all interviews conducted,
- g.** Identification of the specific published papers, manuscripts submitted but not accepted for publication, including online publication, funding applications, progress reports, presentations, posters, or other Research Records that allegedly contained the falsified, fabricated, or plagiarized material,
- h.** Any scientific or forensic analyses conducted,
- i.** This Policy,

- j. Any comments made by the Respondent and Complainant on the draft Investigation Report and the Investigation Committee's consideration of those comments, and
- k. A statement for each separate allegation of whether the Investigation committee recommends a finding of Research Misconduct.

If the Investigation Committee recommends a Finding of Research Misconduct for an allegation, the Investigation Report must, for that allegation:

- a. Identify the individuals who committed the Research Misconduct,
- b. Indicate whether the Research Misconduct was falsification, fabrication, or plagiarism,
- c. Indicate whether the Research Misconduct was committed intentionally, knowingly, or recklessly,
- d. State whether the other requirements as mentioned in Section III.F.1-2 above for a finding of Research Misconduct have been met,
- e. Summarize the facts and the analysis which support the conclusion and consider the merits of any explanation by the Respondent,
- f. Identify the specific funding source that supported the research at issue, including but not limited to the grant numbers, contract numbers, federal award identifiers, and associated publications that list federal support,
- g. Identify whether any publications need correction or retraction,
- h. List of any current support or known applications or proposals for support that the Respondent has pending with federal or non-federal agencies, and
- i. Provide a detailed rationale if the Investigation Committee does not recommend a Finding of Research Misconduct for an allegation.

For federally funded research, a final Investigation Report will be submitted to the relevant agency. For non-funded research, the Investigation Report is maintained internally.

Comments on the draft Investigation Report. A written Investigation Report must be prepared by the Investigation Committee based on the committee's findings. The Chair of the committee should lead the drafting

of the Investigation Report and provide the RIO with the draft Investigation Report. The RIO will provide the Respondent with a copy of the final draft Investigation Report and reasonable, supervised access to all Research Records and other evidence considered or relied upon by the Investigation Committee in preparing the Investigation Report for comment and rebuttal. This access will include interview transcripts, sequestered materials, and any other relevant documents upon which the committee based its findings, consistent with the regulation. The RIO may provide the Complainant, if identifiable, with portions of the draft Investigation Report or a summary of the findings that pertain to the Complainant's allegations in the Investigation.

The Respondent and Complainant will be provided with thirty (30) calendar days to submit their comments. These comments will be provided to the RIO and Chair of the Investigation Committee and must be appended to the Investigation Report in their entirety. The Investigation Committee may choose to amend the Investigation Report based on the comments only for the purpose of correcting typographical errors and other minor errors which do not change the substance of the Report. However, the Investigation Committee is not required to amend the Investigation Report. The Investigation Committee will have seven (7) calendar days from the date it receives the comments from the Complainant and the Respondent, if any, to finalize its Investigation Report.

Within seven (7) calendar days of receiving all comments, the Investigation Report should be finalized.

7. **Investigation decision and notification.** The Chair of the Investigation Committee will work with the RIO to compile any additional comments from the other committee members as well as the Respondent's and Complainant's comments, attach them to the final Investigation Report, and ensure the final Investigation Report is distributed to the committee members for final signatures.

The RIO will transmit the Investigation Report to the Deciding Official, who will make the final decision within fourteen (14) calendar days, based on a preponderance of the evidence, of whether the findings from the Investigation Report are supported by sufficient evidence. The Deciding Official will consult with the RIO, and other appropriate University Administrators as necessary, before making final decisions based on recommendations from the Inquiry and Investigation. The Deciding Official's final decision will be in writing and shall, at minimum, include a final determination on whether Research Misconduct occurred, reasons for the determination, an explanation of why findings differ from the committee's findings, if they do differ, and any imposed University sanctions or other appropriate administrative action.

The Deciding Official's explanation should be consistent with the definition of Research Misconduct as set forth in this Policy and with the evidence reviewed and analyzed by the Investigation Committee. For federally funded research, such explanation shall be included in the Investigation Report to the relevant agency.

The Deciding Official may return the Investigation Report to the Investigation Committee with a request for further fact-finding or analysis before finalizing the Investigation Report. See Section IV 8 above for more information on the Deciding Official's authority.

The Deciding Official will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the Respondent in the work, or other relevant parties should be notified of the outcome of the case. The Deciding Official, in consultation with the RIO, will determine when to notify journals, editors, or publishers to correct or retract publications, balancing timeliness and accuracy. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

When a final decision has been reached, the RIO will notify the Respondent and may notify the Complainant in writing of the final decision and resulting actions.

The Deciding Official's written decision, together with the committee's Investigation Report, constitutes the final Investigation Report.

8. Time limit for completing the Investigation Report.

An Investigation should be completed within 180 calendar days of the first meeting of the Investigation Committee. This timeframe includes conducting the Investigation, preparing the Investigation Report of findings, making the draft Investigation Report available to the subject of the Investigation for comment, finalizing and submitting the Investigation Report to the Deciding Official for approval. If the Investigation cannot be completed within 180 calendar days, an extension may be sought and approved by the RIO. For federally funded research, any extension must be submitted to the relevant agency prior to the deadline. The Respondent must be notified if the Investigation proceeding deadline is extended.

B. Notification of final Investigation Report.

Depending on the particular circumstances and after a final decision, the RIO may consider notifying the Complainant, if known, or individuals aware of or involved

in the Investigation of the final outcome, publicizing the final outcome in forums in which the allegation of Research Misconduct was previously publicized, or expunging all reference to the Research Misconduct allegation from the Respondent's personnel file. The RIO shall submit the final report with attachments, including the Respondent's and Complainant's comments, to the appropriate federal agency, if required.

VI. PROTECTIONS AND ADMINISTRATIVE ACTIONS

A. Restoration of Reputation.

If there is no finding of Research Misconduct, after the conclusion of an Inquiry or Investigation proceeding, the Respondent has the right to and may consult with the RIO to receive assistance from the University in restoring their reputation. The RIO may also undertake reasonable efforts to protect and restore the reputations of Complainants and others who made allegations of Research Misconduct and Cooperated in good faith.

After the conclusion of an Investigation, any action by the University to restore the Respondent's or Complainant's reputation must first be approved by the Deciding Official.

B. Retaliation.

The RIO and any designated staff assisting the RIO may not be removed, demoted, suspended, or subjected to any other form of Retaliation or penalty by the University for actions taken in good faith in the course of assessing, inquiring into, or investigating allegations of Research Misconduct. Any complaint of Retaliation against the RIO or designated staff shall be reported immediately and will be addressed according to University policy.

The RIO will monitor the treatment of Complainants, Respondents and those who Cooperate in Inquiries or Investigations. The RIO will take all reasonable and practical steps to protect all persons involved in the Inquiry and Investigation proceedings, including the Complainants and Respondents, from Retaliation and will review and report instances of alleged Retaliation for appropriate action.

C. Administrative Actions.

1. **Interim Administrative Actions.** Throughout the Research Misconduct proceedings, the RIO will review each allegation to determine if there is any threat of harm to public health and safety, funds or equipment, or the integrity of the research process. In the event of such a threat, the RIO will, in consultation with other relevant University Administrators and personnel and federal agencies to take appropriate interim action to protect against

such threat and ensure that the purposes of the funding assistance are carried out.

Interim action might include but is not limited to:

- a. Additional monitoring of the research, including the handling of funds and equipment,
- b. Reassignment of personnel or responsibilities,
- c. Additional review of Research Records,
- d. Suspension of research with animals or humans, or
- e. Delay in publication.

2. **Administrative actions after Research Misconduct proceeding.**

- a. **Finding of Research Misconduct.** Appropriate administrative actions will be taken against individuals when an allegation of Research Misconduct is substantiated.

The Deciding Official will ultimately decide on the appropriate sanction after consulting with the RIO. The sanctions may include, but are not limited to:

- i. Withdrawal, correction, or retractions of all pending or published abstracts and papers emanating from the research where Research Misconduct was found,
 - ii. Removal from a particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment, and
 - iii. Restitution of funds to the appropriate funding entity as appropriate.
- b. **No finding of Research Misconduct.** In some situations, even where there is not a finding of Research Misconduct, administrative action may be appropriate. The Deciding Official, after consultation with the RIO and other institutional officials, may decide on the appropriate actions for a Respondent in these circumstances, such as the following:
 - i. The Deciding Official may find that the Respondent engaged in detrimental research practices that do not rise to the level

of fabrication, falsification, or plagiarism required for Research Misconduct; however, there may be serious research or professional concerns that warrant some or all of the administrative actions listed above.

- ii. After the Investigation, the Deciding Official may find that allegations were not made in good faith based on sufficient evidence. If an allegation was not made in good faith, the Deciding Official will determine whether and what type of administrative action should be taken against the Complainant in consultation with the appropriate University office, such as but not limited to Dean of Students, Academic Affairs, or Human Resources.

D. Termination of University Employment or Resignation Prior to Completing Inquiry or Investigation.

The Inquiry and Investigation proceedings shall continue even if the Respondent:

1. Resigns or is terminated before or after the allegation of possible Research Misconduct has been reported,
2. Resigns or is terminated at any time during the Inquiry or Investigation process, or
3. Refuses to participate in the Inquiry or Investigation proceedings.

In all situations, the RIO or committee will use its best efforts to reach a conclusion concerning the allegation, noting in its report if the Respondent did not Cooperate in the process.

Should the Respondent die during an Investigation, the University should contact the relevant federal agency, or Deciding Official if unfunded, to discuss administrative closure and documentation of the process.

VII. RECORDS RETENTION AND REPORTING

A. Record Retention

1. After a final determination on all allegations and all ensuing related actions, the RIO will prepare a complete Institutional Record. The Institutional Record shall include, at minimum:
 - a. All information given to a committees;
 - b. The Inquiry and Investigation Reports;

- c. All Research Records and evidence considered or relied upon during the proceedings;
 - d. Transcripts of all interviews conducted;
 - e. Documentation of sequestration steps and associated inventories;
 - f. Documentation from the Preliminary Assessment; and
 - g. A single index listing all Research Records and evidence compiled or generated during the Research Misconduct proceeding, except records not considered or relied on.
2. Unless custody has been transferred to another institution or federal agency or an agency has advised the University in writing that it no longer needs to retain the records, the RIO will keep the Institutional Record for seven (7) years after completion of the proceeding or the completion of any federal agency proceeding involving the Research Misconduct Allegation. Federal agencies or other authorized federal personnel or federal agencies with the need to know will be given access to the records upon request. These materials will constitute the administrative record.

B. Notifying Federal Agencies in General. The RIO must notify relevant federal agencies at any stage of the Inquiry or Investigation if:

- 1. There is an immediate health hazard involved;
- 2. There is an immediate need to protect federal funds or equipment;
- 3. There is an immediate need to protect the interests of the persons making the allegations or of the individual who is the subject of the allegations as well as their co-investigators and associates, if any;
- 4. It is probable that the alleged incident is going to be reported publicly;
- 5. The allegation involves a public health sensitive issue, e.g., a clinical trial;
- 6. There is a reasonable indication of possible criminal violation. In this instance, the University must inform the relevant federal agency immediately of obtaining that information, or
- 7. Any other situations as required by the funding agency or applicable regulations.

Responsible Division/Unit: Research and Economic Development Division

Source: 42 CFR Part 93, Public Health Service Policies on Research Misconduct; 45 CFR Part 689, National Science Foundation Policy on Research Misconduct; 10 CFR Part 733, Department of Energy Allegations of Research Misconduct; Department of Defense Instruction 3210.7, Research Integrity and Misconduct

Links:

Associated Regulations, Policies, and Forms:

Approved: 3/20/2023; UNDER REVIEW 4/29/2026

Appendix A

DEFINITIONS

Allegation: A disclosure of possible Research Misconduct through any means of communication brought directly to the attention of any University Administrator.

Complainant: A person, who in good faith, makes an allegation of Research Misconduct.

Conflict of Interest: The real, apparent, or perceived interference of one person's interests with the interests of another person, where potential bias or incentives may occur due to prior or existing personal or professional relationships.

Cooperate: Assist and/or comply with requests including, but not limited to, providing information, research records, and other evidence.

Deciding Official: The Provost, as designated by the President of the University, who makes final determinations on allegations of Research Misconduct and any administrative actions. If the Provost has an unresolved Conflict of Interest or is unable to serve for other reasons, the President will designate another institutional official to ensure impartiality. The same individual cannot serve as the University's Deciding Official and the Research Integrity Officer.

Evidence: Anything offered or obtained during a Research Misconduct proceeding that tends to prove or disprove the existence of an alleged fact. Evidence includes documents, whether in hard copy or electronic form, information, tangible items, and testimony.

Finding of Research Misconduct: a significant departure from accepted practices of the relevant research community committed intentionally, knowingly, or recklessly, and proven by a preponderance of evidence.

- **Intentionally:** Act with the aim of carrying out the act.
- **Knowingly:** Act with awareness of the act.
- **Recklessly:** Act with indifference to a known risk.

Good Faith:

- As applied to a Complainant or witness: A reasonable belief in the truth of one's allegation or testimony, based on the information known to the Complainant or witness at the time. An allegation or Cooperation with a Research Misconduct Proceeding is not in Good Faith if made with knowledge of or reckless disregard for information that would negate the allegation or testimony.
- As applied to an Institutional Member or committee member: Cooperating with the Research Misconduct proceedings by impartially carrying out the duties assigned for the purpose of conducting a fair, impartial, and unbiased process. Institutional Member or member if an Investigation or Inquiry Committee does not act in good faith if their acts or omissions during the Research Misconduct proceedings are dishonest or they have a Conflict of Interest with those who are the subject of the Research Misconduct Proceeding.

Inquiry: The preliminary gathering of information and initial fact-finding to determine whether an allegation or apparent instance of Research Misconduct falls within the definition of Research Misconduct and warrants an Investigation.

Institutional Member: Any individual who is employed by, is an agent of, or is affiliated by contract or agreement with the University. This includes, but is not limited to, 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.

Investigation: The formal examination and evaluation of a factual record to determine if Research Misconduct has occurred and, if so, to determine the responsible person and the seriousness of the misconduct.

Notice: Written communication served in person, sent by mail or its equivalent to the last known street address, facsimile number, or email address of the addressee.

Preliminary Assessment is a consideration of whether an allegation of Research Misconduct appears to fall within the definition of Research Misconduct and is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The Preliminary Assessment only involves the review of readily accessible information relevant to the allegation.

Research Integrity Officer (RIO): The University Administrator appointed by the Vice President of Research and Economic Development Division responsible for assessing allegations of Research Misconduct, determining when such allegations warrant Inquiries, and overseeing Inquiries and Investigations of Research Misconduct.

Research: A systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge or basic research or specific applied knowledge or research by establishing, discovering, developing, elucidating, or confirming information about, or the underlying mechanism relating to matters to be studied.

Research Misconduct: The fabrication, falsification, or plagiarism, in proposing, performing or reviewing research, or in reporting research results. Research Misconduct does not include honest error or differences of opinion.

- **Fabrication:** Making up data or results and recording or reporting them.
- **Falsification:** 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.
- **Plagiarism:** The appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Plagiarism 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. It does not include the limited use of identical or nearly identical phrases that describe a commonly used methodology. Plagiarism does not include self-plagiarism or authorship or credit disputes, including disputes among former collaborators who participated jointly in the development or conduct of a research project.

Research Misconduct Proceeding: Any action related to alleged Research Misconduct, including but not limited to an allegation, Preliminary Assessment, Inquiry, Investigation, federal agency oversight reviews, and hearings.

Research Record: The record of data or results that embody the facts resulting from Research, which may be in physical, electronic, or other form, and that reasonably may be expected to provide evidence or information regarding the proposed, conducted, or reported research. Such records include, but are not limited to, administrative and funding materials such as grant or contract applications (funded or unfunded), progress and sponsor reports, internal reports, and documents provided during a Research Misconduct proceeding; data and study materials such as raw and processed data, laboratory notebooks, laboratory records in physical or electronic form, study records, laboratory procurement and equipment use logs, and animal facility records; human and animal subject records including research subject files, clinical research records directly related to research, protocols, and consent forms; and research outputs such as manuscripts, abstracts, theses, journal articles, oral presentations, lab meeting reports, and online content. Research Records also encompass correspondence and notes, including email and other written communications, as well as physical and digital materials such as computer files, hard drives, printouts, photographs, videos, X-ray film, slides, and biological materials.

Respondent: The person(s) against whom an allegation(s) of Research Misconduct is directed or the person(s) whose actions are the subject of the Inquiry or Investigation.

Retaliation: An adverse action taken against a Complainant, witness, committee member, involved party, or the RIO in response to a good faith allegation of Research Misconduct or Cooperation or oversight of a Research Misconduct proceeding.

University Administrator: Department chairs, deans, the Vice President for the Research and Economic Development Division (REDD), the Associate Vice President for REDD, the Provost, or the Research Integrity Officer