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**BETHUNE-COOKMAN UNIVERSITY**  
**Policy for Responding to Allegations of Research Misconduct**

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February 23, 2017

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**I. INTRODUCTION**

Bethune-Cookman University is dedicated to the creation, dissemination and preservation of new knowledge through research, scholarship and creative works, in an environment of academic freedom. Furthermore, the University recognizes the inherent dignity and worth of each person and is committed to professional integrity and mutual respect in the conduct of research, scholarship and creative works, consistent with the University's core values. In the context of research misconduct, adherence to these core values obligates the University to:

- ensure that faculty, students and staff are aware of the potential for misconduct, either in themselves or in others, and understand what misconduct means;
- inquire into and, if necessary, investigate and resolve instances of alleged misconduct promptly and fairly;
- protect the rights and reputations of all parties involved in allegations of misconduct, including those who are suspected of research misconduct and those who report research misconduct in good faith;
- comply with sponsor requirements on research misconduct, including those under the Public Health Service (PHS) Policies on Research Misconduct, 42 CFR Part 93.

**II. APPLICABILITY**

This policy applies to allegations of misconduct in research or creative work regardless of the funding source for such research or creative work. Bethune-Cookman University's *Policy for Responding to Allegations of Research Misconduct* applies to any person who, at the time of the

alleged misconduct, was a student of, was full-time or part-time employed by, was an agent of, or was affiliated by contract or agreement with Bethune-Cookman University. Research misconduct does not include honest error or honest differences in interpretations or judgments of data or honest differences of opinion.

### **III. DEFINITIONS**

Consistent with federal regulations (42 CFR § 93.103 and § 93.104), Bethune-Cookman University defines research misconduct as fabrication, falsification, plagiarism, or other significant departure from or disregard for established norms or commonly accepted practices in the field, in proposing, performing, or reviewing research or creative work, or in reporting research results.

- Fabrication is making up data or results and recording or reporting them.
- Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.
- Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- Research misconduct does not include honest error or differences of opinion.
- Significant departure from or disregard for established norms or commonly accepted practices includes, but is not limited to:
  - the abuse of confidentiality, such as the use of ideas and/or data gained through a peer or committee review process;
  - the theft or intentional damage or destruction of the research or creative work property of others; and
  - the direction, encouragement or condoning of others engagement in fabrication, falsification or plagiarism.

#### **A. Other Relevant Definitions**

*Allegation* means a disclosure of possible research misconduct through any means of communication to a university official, including department chairs, directors, deans, Associate Provost and the Provost.

*Complainant* means a person or persons who make an allegation of scientific misconduct.

*Deciding Official (DO)* means the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions. The DO will not be the same individual as the Research Integrity Officer and should have no direct prior involvement in the institution's inquiry, investigation, or allegation assessment. A DO's appointment of an individual to assess allegations of research misconduct, or to serve on an Inquiry or investigation committee, is not considered to be

direct prior involvement. The DO is the Provost or his/her designee.

*Evidence* means any document, tangible item, or testimony offered or obtained during a research misconduct proceeding that tends to prove or disprove the existence of an alleged fact.

*Good faith* as applied to a complainant or witness, means having a belief in the truth of one's allegation or testimony that a reasonable person in the complainant's or witness's position could have 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 knowing or reckless disregard for information that would negate the allegation or testimony.

*Inquiry* means gathering information and initial fact-finding to determine whether an allegation or apparent instance of scientific misconduct warrants an investigation.

*Investigation* means the formal examination and evaluation of all relevant facts to determine if misconduct has occurred, and, if so, to determine the responsible person and the seriousness of the misconduct.

*ORI* means the Office of Research Integrity in the U.S. Department of Health and Human Services (DHHS). ORI is responsible for the scientific misconduct and research integrity activities of the U.S. Public Health Services (PHS). Any reference to ORI or PHS in this policy applies only in cases where PHS funding is involved.

*Research Integrity Officer (RIO)* means the institutional official responsible for (1) assessing allegations of research misconduct to determine if they fall within the definition of research misconduct, are covered by this policy, and warrant an inquiry on the basis that the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified; (2) overseeing inquires and investigations; and (3) the other responsibilities described in this policy. The Associate Provost responsible for research or his/her assigned designee shall serve as the RIO.

*Research Record* means any data (regardless of storage location), digital media, document, computer file, or any other written or non-written account or object that reasonably may be expected to provide evidence or information regarding the proposed, conducted, and/or reported research or creative work that constitutes the subject of an allegation of scientific misconduct. A research record includes, but is not limited to, grant or contract applications, whether funded or unfunded; grant or contract progress and other reports; laboratory notebooks; notes; correspondence; videos; photographs; x-ray film; slides; biological materials; computer files and printouts; manuscripts and publications; equipment use logs; laboratory procurement records; animal facility records; human and animal subject protocols; consent forms; medical charts; and patient research files.

*Respondent* means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.

*Retaliation* means an adverse action taken against a complainant, witness, or committee member by an institution or one of its members in response to a good faith allegation of research misconduct; or good faith cooperation with a research misconduct proceeding.

#### **IV. ROLES AND RESPONSIBILITIES**

##### **A. University Officials**

University Officials are responsible for ensuring implementation of this policy in their areas and reporting knowledge of allegations of research misconduct to the RIO in accordance with Bethune-Cookman University procedures. University officials also ensure cooperation of respondents and other individuals in their respective areas when research or creative works misconduct allegations arise, including, but not limited to, the confiscation of research records and/or other relevant documentation. For the purposes of this policy the term University Official refers to principal investigators, program, project or activity directors, department chairs, deans, and administrators at the director level or higher.

##### **B. Complainant**

The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. As a matter of good practice, the complainant should be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. The complainant must be interviewed during an investigation, and be given the transcript or recording of the interview for correction.

##### **C. Respondent**

The respondent is the individual against whom allegations of research misconduct have been levied. The respondent is responsible for maintaining confidentiality and cooperating with all elements of the inquiry and investigation. The respondent is also entitled to:

- A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;
- An opportunity to comment on the inquiry report and have his/her comments attached to the report;
- Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that, when appropriate, includes a copy of, or refers to the “Public Health Services Policies on Research Misconduct” (42 CFR Part 93) and the institution’s

- policies and procedures on research misconduct;
- Be notified in writing of the allegations to be investigated within a reasonable time after the determination that an investigation is warranted, but before the investigation begins (within 30 days after the institution decides to begin an investigation), and be notified in writing of any new allegations, not addressed in the inquiry or in the initial notice of investigation, within a reasonable time after the determination to pursue those allegations;
  - Be interviewed during the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;
  - Have interviewed during the investigation any witness who has been reasonably identified by the respondent as having information on relevant aspects of the investigation, have the recording or transcript provided to the witness for correction, and have the corrected recording or transcript included in the record of investigation; and
  - Receive a copy of the draft investigation report and, concurrently, a copy of, or supervised access to the evidence on which the report is based, and be notified that any comments must be submitted within 30 days of the date on which the copy was received and that the comments will be considered by the institution and addressed in the final report.
  - The respondent should be given the opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO and/or other institutional officials, the Deciding Official may terminate the institution's review of an allegation that has been admitted, if the institution's acceptance of the admission and any proposed settlement is approved by ORI, as appropriate.

#### D. Deciding Official

The DO will receive the inquiry report and after consulting with the RIO and/or other institutional officials, decide whether an investigation is warranted under the criteria in 42 CFR § 93.307(d). Any finding that an investigation is warranted must be made in writing by the DO and must be provided to ORI, together with a copy of the inquiry report meeting the requirements of 42 CFR § 93.309, within 30 days of the finding. If it is found that an investigation is not warranted, the DO and the RIO will ensure that detailed documentation of the inquiry is retained for at least 7 years after termination of the inquiry, so that ORI may assess the reasons why the institution decided not to conduct an investigation.

The DO will receive the investigation report and, after consulting with the RIO and/or other institutional officials, decide the extent to which this institution accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional

administrative actions are appropriate. The DO shall ensure that the final investigation report, the findings of the DO and a description of any pending or completed administrative actions are provided to ORI, as required by 42 CFR § 93.315.

## V. GENERAL PRINCIPLES

### A. Responsibility to Report Research Misconduct

All members of the University community have an obligation to report observed, suspected or apparent incidents of research misconduct in accordance with Bethune-Cookman University procedures. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. 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 offices or officials with responsibility for resolving the problem.

At any time, an institutional member may have confidential discussions and consultations about concerns of possible misconduct with the RIO and will be counseled about appropriate procedures for reporting allegations.

### B. Cooperation with Research Misconduct Proceedings

Members of the Bethune-Cookman University community and all others covered under this policy must cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Employees and students, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other institutional officials.

### C. Confidentiality

To protect confidentiality, Bethune-Cookman University shall: (1) limit disclosure of the identity of respondents and complainants to those who need to know in order to carry out a thorough, competent, objective and fair research misconduct proceeding; and (2) except as otherwise prescribed by law, limit the disclosure of any records or evidence from which research subjects might be identified to those who need to know in order to carry out a research misconduct proceeding. Bethune-Cookman University will use written confidentiality agreements or other mechanisms to ensure that the recipient does not make any further disclosure of identifying information.

### D. Protection of complainants, witnesses, and committee members

Persons covered under this policy may not retaliate in any way against complainants, witnesses, or committee members. Members of the University community should

immediately report any alleged or apparent retaliation against complainants, witnesses or committee members to the RIO, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed.

E. Protection of the Respondent

As requested and as appropriate, the RIO and other university officials shall make all reasonable and practical efforts to protect or restore the reputation of persons alleged to have engaged in research misconduct, but against whom no finding of research misconduct is made. During the research misconduct proceedings, Bethune-Cookman University will provide the respondent with all the notices and opportunities provided for in 42 CFR Part 93 and the policies and procedures of Bethune-Cookman University.

F. Interim Administrative Actions and Notifying ORI of Special Circumstances

Throughout the research misconduct proceeding, the RIO will review the situation to determine if there is any threat of harm to public health, federal funds and equipment, or the integrity of the PHS supported research process. In the event of such a threat, the RIO will, in consultation with the Provost and ORI, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results or delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify ORI immediately if he/she has reason to believe that any of the following conditions exist:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- HHS resources or interests are threatened;
- Research activities should be suspended;
- There is a reasonable indication of possible violations of civil or criminal law;
- Federal action is required to protect the interests of those involved in the research misconduct proceeding;
- The research misconduct proceeding may be made public prematurely and HHS action may be necessary to safeguard evidence and protect the rights of those involved; or
- The research community or public should be informed.

**VI. REFERENCES**

This policy was modeled on and references content from the federal Office for Research

*Integrity's Sample Policy and Procedures for Responding to Allegations of Research Misconduct*, and policies and procedures from Northwestern University, University of South Carolina and Benedictine University.

**ATTACHMENTS**

*Procedures for Responding to Allegations of Research Misconduct*

**BETHUNE-COOKMAN UNIVERSITY**  
**Procedures for Responding to Allegations of**  
**Research Misconduct**

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**BETHUNE-COOKMAN UNIVERSITY**  
**Procedures for Responding to Allegations of Research Misconduct**

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February 23, 2017

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**PROCEDURES**

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**I. INTRODUCTION**

Bethune-Cookman University (B-CU) is committed to respond to and resolve any and all allegations of research and creative works misconduct in a manner which is competent, thorough and fair and which protects the rights and reputations of all parties involved in allegations of misconduct, including those who are suspected of research misconduct and those who report research misconduct in good faith. These procedures set forth the process by which B-CU responds to such allegations.

**II. PRELIMINARY ASSESSMENT OF ALLEGATIONS**

Allegations of research misconduct reported to a Bethune-Cookman University Official are directed to the Associate Provost responsible for research. The Associate Provost responsible for research or his or her designee, serves as the Research Integrity Officers (RIO) per Bethune-Cookman University's *Policy for Responding to Allegations of Research Misconduct*. Upon receiving an allegation of research misconduct, the RIO consults in confidence with the Provost and other University personnel, as appropriate, to assess the allegation and determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be

identified, and whether the allegation meets Bethune-Cookman University's definition of research misconduct.

The assessment period should be brief, preferably concluded within a week. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. The RIO shall, on or before the date on which the respondent is notified of the allegation, obtain custody of, inventory, and sequester all research records and evidence needed to conduct the research misconduct proceeding. Once the allegation has been assessed and a determination made, the Associate Provost will immediately notify the complainant whether or not the allegations will be pursued under Bethune-Cookman University's *Policy for Responding to Allegations of Research Misconduct*.

### **III. CONDUCTING AN INQUIRY**

Should the RIO, after assessing the allegation, determine that the allegation meets the definition of research misconduct as defined in Bethune-Cookman University's *Policy for Responding to Allegations of Research Misconduct*, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

#### **A. Notice to Respondent; Sequestration of Research Records**

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, they must be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of 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 instruments.

#### **B. Inquiry Committee Appointment**

The RIO, in consultation with other University officials as appropriate, will appoint an inquiry committee and committee chair as soon after the initiation of the inquiry as is practical. The inquiry committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the

inquiry and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.

### C. Charge to the Committee and First Meeting

The RIO will prepare a charge for the inquiry committee that:

- Sets forth the time for completion of the inquiry;
- Describes the allegations and any related issues identified during the allegation assessment;
- States that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible;
- States that an investigation is warranted if the committee determines: (1) there is a reasonable basis for concluding that the allegation falls within Bethune-Cookman University's definition of research misconduct; and, (2) the allegation may have substance, based on the committee's review during the inquiry.
- Informs the inquiry committee that they are responsible for preparation of a written report of the inquiry that meets the requirements of this policy and 42 CFR § 93.309(a), if appropriate.

At the committee's first meeting, the RIO will review the charge with the committee, discuss the allegations, any related issues, and the appropriate procedures for conducting the inquiry, assist the committee with organizing plans for the inquiry, and answer any questions raised by the committee. The RIO will be present or available throughout the inquiry to advise the committee as needed.

### D. Inquiry Process

The inquiry committee will normally interview the complainant, the respondent, and key witnesses as well as examining relevant research records and materials. Then the inquiry committee will evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy and, if applicable, 42 CFR § 93.307(d). The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the University shall promptly consult with ORI to determine the next steps that should be taken, for cases that fall under ORI jurisdiction.

E. Time for Completion

The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within 60 calendar days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period.

**IV. THE INQUIRY REPORT**

A. Elements of the Inquiry Report

A written inquiry report must be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the source of support, including, for example, grant numbers, grant applications, contracts and publications listing funding source support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant.

Bethune-Cookman University General Counsel should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee. The inquiry report should include: the names and titles of the committee members and experts who conducted the inquiry; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; and whether any other actions should be taken if an investigation is not recommended.

B. Notification to the Respondent and Opportunity to Comment

The RIO shall notify the respondent whether the inquiry found an investigation to be warranted, include a copy of the draft inquiry report for comment within 10 days, and include a copy of or refer to 42 CFR Part 93 and the University's policies and procedures on research misconduct.

Any comments that are submitted by the respondent will be attached to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

C. Institutional Decision

The RIO will transmit the final inquiry report and any comments to the DO, who will determine in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

#### D. Notification

Within 30 calendar days of the DO's decision that an investigation is warranted, the RIO will provide the appropriate University Officials and ORI, if applicable, with the DO's written decision and a copy of the inquiry report. The RIO must provide the following information to ORI upon request: (1) the institutional policies and procedures under which the inquiry was conducted; (2) the research records and evidence reviewed, transcripts or recordings of any interviews, and copies of all relevant documents; and (3) the charges to be considered in the investigation.

### V. CONDUCTING THE INVESTIGATION

#### A. Initiation and Purpose

The investigation must begin within 30 calendar days after the determination by the DO that an investigation is warranted. The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. The investigation will also determine whether there are additional instances of possible research misconduct that would justify broadening the scope 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 findings of the investigation must be set forth in an investigation report as outlined in the section of this document entitled, "The Investigation Report".

#### B. Notification; Sequestration of Research Records

On or before the date on which the investigation begins, the RIO must: (1) notify the ORI Director of the decision to begin the investigation and provide ORI a copy of the inquiry report (in cases involving PHS funded research); and (2) notify the respondent in writing of the allegations to be investigated. The RIO must also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue allegations not addressed during the inquiry or in the initial notice of the investigation.

The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceeding that were not previously sequestered during the inquiry. The need for additional sequestration of records for the investigation may occur for any number of reasons, including the University's decision to investigate additional allegations not considered during the

inquiry stage or the identification of records during the inquiry process that had not been previously secured. The procedures to be followed for sequestration during the investigation are the same procedures that apply during the inquiry.

### C. Investigation Committee

The RIO, in consultation with other University officials as appropriate, will appoint an investigation committee and the committee chair as soon after the beginning of the investigation as is practical. The investigation committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate scientific expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. Individuals appointed to the investigation committee may also have served on the inquiry committee. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the University.

### D. Charge to the Committee and First Meeting

The RIO will define the subject matter of the investigation in a written charge to the committee that:

- Describes the allegations and related issues identified during the inquiry;
- Identifies the respondent;
- Informs the committee that it must conduct the investigation as described in the “Investigation Process” section of this document;
- Defines research misconduct;
- Informs the committee that it must evaluate the evidence and testimony to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, the type and extent of it and who was responsible;
- Informs the committee that in order to determine that the respondent committed research misconduct it must find that a preponderance of the evidence establishes that: (1) research misconduct, as defined in this policy, occurred (respondent has the burden of proving by a preponderance of the evidence any affirmative defenses raised, including honest error or a difference of opinion); (2) the research misconduct is a significant departure from accepted practices of the relevant research community; and (3) the respondent committed the research misconduct intentionally, knowingly, or recklessly; and
- Informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy and, if applicable, 42 CFR § 93.313.

The RIO will convene the first meeting of the investigation committee to review the

charge, the inquiry report, and the prescribed procedures and standards for the conduct of the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this statement of policy and procedures and 42 CFR Part 93, if applicable. The RIO will be present or available throughout the investigation to advise the committee as needed.

#### E. Investigation Process

The investigation committee and the RIO must:

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

#### F. Time for Completion

The investigation is to be completed within 120 days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to ORI, if applicable. However, if the RIO determines that the investigation will not be completed within this 120-day period, he/she will submit to ORI a written request for an extension, setting forth the reasons for the delay, if applicable. The RIO will ensure that periodic progress reports are filed with ORI, if applicable.

### **VI. THE INVESTIGATION REPORT**

#### A. Elements of the Investigation Report

The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that:

- Describes the nature of the allegation of research misconduct, including

- identification of the respondent;
- Describes and documents the PHS support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing PHS support;
  - Describes the specific allegations of research misconduct considered in the investigation;
  - Includes the institutional policies and procedures under which the investigation was conducted;
  - Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
  - Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) identify the specific support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with all external agencies.

#### B. Comments on the Draft Report and Access to Evidence

The RIO must give the respondent a copy of the draft investigation report for comment and, concurrently, a copy of, or supervised access to the evidence on which the report is based. The comments of the respondent, if any, must be submitted to the RIO within 20 days of the date he/she received the draft report. The respondent's comments must be included and considered in the final report.

In distributing the draft report, or portions thereof, to the respondent, the RIO will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality. For example, the RIO may require that the recipient sign a confidentiality agreement.

#### C. Decision by Deciding Official

The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing: (1) whether the institution accepts the investigation report, its findings, and the

recommended institutional actions; and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO will, as part of his/her written determination, explain in detail the basis for rendering a decision different from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis.

D. Notification

When a final decision on the case has been reached, the RIO will normally notify both the respondent and the complainant in writing. After informing ORI, the DO 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 RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies. Such notification must occur within 120 days of initiation of an investigation.

## **VII. INSTITUTIONAL ADMINISTRATIVE ACTIONS**

If the DO determines that research misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the RIO. The administrative actions may include:

- Withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found;
- Removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, rank reduction or termination of employment;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the research misconduct.

## **VIII. RECORDS RETENTION**

The RIO must maintain all documentation and records of research misconduct proceedings, even those that did not result in an inquiry or investigation, in a secure manner for seven years after completion of the proceedings.

## **IX. REFERENCES**

These procedures were modeled in and references content from the federal Office for Research Integrity's *Sample Policy and Procedures for Responding to Allegations of Research Misconduct*, and procedures from Northwestern University.