



THE COLLEGE OF
WOOSTER

Research Misconduct Policy

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Office of Sponsored Research
Division of Advancement

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Policy on the Responsible Conduct of Research

I. Introduction

a. General Policy

The Wooster Ethic states that: “I hereby join this community with a commitment to the Wooster Ethic upholding academic and personal integrity and a culture of honesty and trust in all my academic endeavors, social interactions, and official business of the College. I will submit only my own original work, and respect others and their property. I will not support by my actions or inactions the dishonest acts of others.”

Further, our mission statement asserts that: “The College of Wooster is a community of independent minds, working together to prepare students to become leaders of character and influence in an interdependent global community.” Given this mission and the centrality of research to the institution, The College of Wooster has established both institutional structures and policies that engender a robust culture of ethical, accountable, and thoughtful research practices. This policy is meant to protect the integrity of those practices.

b. Scope

This statement of policy and procedures is intended to carry out the College’s responsibilities under the Department of Health and Human Services’ (HSS) Policies on Research Misconduct, 42 CFR Part 93¹. This document applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results) involving:

- A person who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with The College of Wooster²; and
- This policy applies to any research proposed, performed, reviewed, or reported, or any research record generated from that research.³ This

¹ Sections based on 42 CFR 93 have endnotes indicating the applicable section.

² 42 CFR §93.214

³ 42 CFR §93.102

includes research undertaken outside that of funds resulted in a grant, contract, or cooperative agreement.

- After receiving an allegation, if the Deciding Official determines that the potential misconduct is not related to federally funded research or programming, the DO may choose to utilize the misconduct processes outlined in the Faculty or Staff Handbooks. The Deciding Official will ensure that the allegation materials and complainant information is directed to the correct party.
- This statement of policy and procedures does not apply to authorship or collaboration disputes and applies only to allegations of research misconduct that occurred within six years from the date the College or federal agency received the allegation.
- This policy does not apply to students or individuals outside the College, unless under contract or agreement. Allegations of student research misconduct should follow steps and procedures outlined in the Scot's Key. If a student's potential misconduct is in relation to a federally funded research or grant program, it will be the determination of the Dean for Curriculum and Academic Engagement (DCAE) in consultation with the Deciding Official (DO) if the supervising faculty member should be investigated along with, or instead of the student. It should be clarified that training and supervision of any student researchers is the Primary Investigator's responsibility.

II. Definitions

Terms used have the same meaning as given them in Policies on Research Misconduct, 42 CFR Part 93.2.

Complainant means a person who in good faith makes an allegation of research misconduct.⁴

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

⁴ 42 CFR §93.203

inquiry or investigation committee, is not considered to be direct prior involvement. The Deciding Official at The College of Wooster is the position of the Provost. If complaints involve staff outside of the Division of Academic Affairs, the Provost will consult with the Cabinet member who supervises the staff member.

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 at the time.⁵

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 42 CFR Part 93, 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 Research Integrity Officer at The College of Wooster will be the Dean for Faculty Development (DFD). If the DFD has a conflict of interest, the Provost can nominate a different RIO, such as a faculty member who has previously served in the DFD role. If the complaint is against a staff member outside the Division of Academic Affairs, the RIO will work with the supervisor of the respondent.

Respondent means the person against whom an allegation of research misconduct is directed or who is the subject of a research misconduct proceeding.⁶

Scientific/Research Misconduct means the fabrication or falsification of data or information, plagiarism, or other practices that seriously deviate from those that are commonly accepted in the research community. This misconduct is ethically unacceptable behavior that undermines the integrity of the research and may cause its validity to be questioned. This policy also includes material failure to comply with non-governmental regulations, unauthorized use of confidential information, and retaliation or threat of retaliation against persons involved in the allegation or investigation of misconduct.

III. Rights and Responsibilities

a. Research Integrity Officer

The Dean for Faculty Development will serve as the RIO, responsible for implementing the College's policies and procedures on research misconduct. A detailed list of the responsibilities of the RIO is set forth in Appendix A. These

⁵ 42 CFR §93.210

⁶ 42 CFR §93.225

responsibilities include the following duties related to research misconduct proceedings:

- Consult confidentially with persons uncertain about whether to submit an allegation of research misconduct;
- Receive allegations of research misconduct;
- Assess each allegation of research misconduct in accordance with Section V. a. of this policy to determine whether it falls within the definition of research misconduct and warrants an inquiry;
- As necessary, take interim action and notify the Office of Research Integrity (ORI) of special circumstances, in accordance with Section IV.f. of this policy;
- Sequester research data and evidence pertinent to the allegation of research misconduct in accordance with Section V.C. of this policy and maintain it securely in accordance with this policy and applicable law and regulation;
- Provide confidentiality to those involved in the research misconduct proceeding as required by 42 CFR §93.108, other applicable law, and College policy;
- Notify the respondent and provide opportunities for the respondent to review/comment/respond to allegations, evidence, and committee reports in accordance with Section III.C. of this policy;
- Inform respondents, complainants, and witnesses of the procedural steps in the research misconduct proceeding;
- Appoint the chair and members of the inquiry and investigation committees, ensure that those committees are properly staffed and that there is expertise appropriate to carry out a thorough and authoritative evaluation of the evidence;
- Determine whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional, or financial conflict of interest and take appropriate action, including recusal, to ensure that no person with such conflict is involved in the research misconduct proceeding;

- In cooperation with other institutional officials, take all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and counter potential or actual retaliation against them by respondents or other institutional members;
- Keep the Deciding Official, Human Resources, and others who need to know apprised of progress in the review of the allegation of research misconduct;
- Notify and make reports to ORI (if applicable) as required by 42 CFR Part 93;
- Ensure that administrative actions taken by the College and/or ORI are enforced and take appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing board of the actions; and
- Maintain records of the research misconduct proceeding and make them available to ORI in accordance with Section VIII.F of this policy. These records should also comply with the college's Record Retention Policy maintained by the Secretary of the College.

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.⁷ Additional information or verification of facts may require further consultation with the complainant. This decision could be determined by the RIO, Inquiry, or Investigative Committee.

The complainant will receive information on the findings of the case, whether action was taken or not. They will not, however, receive copies of any of the official reports and will not be notified of what sanctions were recommended.

c. Respondent

⁷ 42 CFR §93.310(g)

The respondent is responsible for maintaining confidentiality and cooperating with an inquiry and investigation. The respondent is entitled to:

- A good faith effort from the RIO to notify the respondent in writing at the time of or before beginning an inquiry;⁸
- An opportunity to comment on the inquiry report and have their comments attached to the report;⁹
- Be notified of the outcome of the inquiry, and receive a copy of the inquiry report that includes a copy of, or refers to 42 CFR Part 93 and the College's policies and procedures on research misconduct;¹⁰
- 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 College 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;¹¹
- 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;¹² 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 College and addressed in the final report.¹³

The respondent should be given the opportunity to admit that research misconduct occurred and that they committed the research misconduct. With the advice of the RIO and/or other institutional officials, the Deciding Official may terminate the College's review of an allegation that has been admitted, if the College's acceptance of the admission and any proposed settlement is approved by the ORI or other governing body.¹⁴

A respondent will also have the opportunity to file an appeal of a final decision and/or any sanctions enforced, up to and including termination.¹⁵

d. Deciding Official

⁸ 42 CFR §93.304(c), 93.307(b)

⁹ 42 CFR §93.304(e), 93.307(f)

¹⁰ 42 CFR §93.308(a)

¹¹ 42 CFR §93.310(c)

¹² 42 CFR §93.310(g)

¹³ 42 CFR §93.310(g)

¹⁴ 42 CFR §93.304(f), 93.312(a)

¹⁵ 42 CFR §93.314(a)

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 (if applicable), 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 College decided not to conduct an investigation.¹⁶ The DO will receive the investigation report and, after consulting with RIO and/or other College officials, decide the extent to which the College accepts the findings of the investigation and, if research misconduct is found, decide what, if any, institutional administrative actions are appropriate. The DO, in conjunction with the Office of Sponsored Research, 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 (if applicable), as required by 42 CFR §93.315.

IV. General Policies and Principles

a. Responsibility to Report Misconduct

All members of the College will report observed, suspected, or apparent research misconduct to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, they may meet with or contact the Associate Director for Sponsored Research 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 or the Associate Director of Sponsored Research will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

At any time, any member of the College may have confidential discussions and consultations about concerns of possible misconduct with the RIO or Associate Director for Sponsored Research and will be counseled about appropriate procedures for reporting allegations.

¹⁶ 42 CFR §93.316 All research misconduct processes involving federal (or foundational) financial support will be maintained in the Office of Sponsored Research until such time that they may be destroyed. These will be housed as paper files and confidentially will be strictly maintained for the life of the record.

b. Cooperation with Research Misconduct Proceedings

Members of the College will cooperate with the RIO and other institutional officials in the review of allegations and the conduct of inquiries and investigations. Members of the College, including respondents, have an obligation to provide evidence relevant to research misconduct allegations to the RIO or other College officials.

c. Confidentiality

The RIO shall, as required by 42 CFR §93.108: (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. The RIO should use written confidentiality agreements or other mechanisms to ensure that the recipient does not make any further disclosure of identifying information. The institution will make every effort to maintain the confidentiality for witnesses when the circumstances indicate that the witness may be harassed or otherwise need protection.

d. Protecting complainants, witnesses, and committee members¹⁷

Members of the College may not retaliate in any way against complainants, witnesses, or committee members. They 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. Protecting the Respondent

As requested and as appropriate, the RIO and other institutional 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 determined.¹⁸

¹⁷ The college's [Whistleblower & Anti-Retaliation Policy](#) is also in effect for all portions of this process.

¹⁸ 42 CFR §93.309(c)

During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities provided for by 42 CFR Part 93 and the policies and procedures of the College.

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 federally supported research process. In the event of such a threat, the RIO will, in consultation with the Office of Sponsored Research and ORI, take appropriate interim action to protect against any such threat.¹⁹ 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, or additional review of research data and results or delaying publication. The inquiry committee will also have the ability to suggest interventions to the RIO. The Office of Sponsored Research shall, at any time during a research misconduct proceeding, notify ORI immediately if they have reason to believe that any of the following conditions exist:

- Health or safety of the public is a risk, including an immediate need to protect human or animal subjects;
- Federal agency funding 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 (or other federal entity) action may be necessary to safeguard evidence and protect the rights of those involved; or
- The research community or public should be informed.²⁰

¹⁹ 42 CFR §93.304(k)

²⁰ 42 CFR §93.304(h)

V. Conducting the Assessment and Inquiry

a. Assessment of Allegations

Upon receiving an allegation of research misconduct, the Dean for Faculty Development in their RIO role will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified, whether it is within the jurisdictional criteria of 42 CFR §93.102(b), and whether the allegation falls within the definition of research misconduct in 42 CFR §93.103.²¹ An inquiry must be conducted if these criteria are met.

The assessment period should be brief, preferably concluded within a week. In conducting the assessment, the DFD 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 DFD 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, as provided in paragraph c. of this section.

b. Initiation and Purpose of the Inquiry

If the DFD determines that the criteria for an inquiry are met, they will immediately initiate the inquiry process. The purpose of the inquiry is to perform 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.²²

c. Notice to Respondent; Sequestration of Research Records

At the time of or before beginning an inquiry, the DFD 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 also be notified in writing. On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the DFD 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. In cases where the research

²¹ 42 CFR §93.318

²² 42 CFR §93.307(a)

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.²³ The DFD and Office of Sponsored Research may consult with ORI for advice and assistance in this regard.

d. Appointment of the Inquiry Committee

The DFD/RIO, in consultation with other College 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 two to three 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 or subject matter expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry.²⁴ The RIO will notify the respondent of the proposed committee membership to give the respondent an opportunity to object to a proposed member based upon a personal, professional, or financial conflict of interest. The period for submitting objections is 10 calendar days from notification. The RIO will make the final determination of whether a conflict exists.

e. 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 the definition of research misconduct and is within the jurisdictional

²³ 42 CFR §93.307(c)

²⁴ 42 CFR §93.305; 93.307(b)

criteria of 42 CFR §93.102(b); 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 preparing or directing the preparation of the written report of the inquiry that meets the requirements of this policy and 42 CFR §93.309(a);
- In order to protect Federal Funds, the Inquiry Committee will have the authority to suspend all research activities related to the case in question.

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.

f. 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 42 CFR §93.307(d). The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred or conducting exhaustive interviews and analysis. 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 College will promptly consult with ORI to determine the next steps that should be taken. See Section IX.

g. 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.²⁵ The respondent will be notified of the extension.

VI. The Inquiry Report

²⁵ 42 CFR §93.304(b)

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) names of committee members; (3) a description of the allegations of research misconduct; (4) a description of evidence including summaries of any persons interviewed; (5) the federal funding support (if applicable), including, for example, grant numbers, grant applications, contracts and publications listing federal support; (6) the basis for recommending or not recommending that the allegations warrant an investigation; (7) any comments on the draft report by the respondent or complainant.²⁶ An appendix may be included in the report to mention any related allegations and/or mitigating factors that the RIO and investigation committee should consider.

The inquiry report shall state one of three possible conclusions from their review: (1) the stated allegations are without merit; (2) no culpable conduct was committed, but serious errors were discovered, necessitating appropriate corrective action; (3) the stated allegations have sufficient substance and should escalate to an investigation process.

The Human Resources office should review the report for legal sufficiency. Modifications should be made as appropriate in consultation with the RIO and the inquiry committee.

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 College's policies and procedures on research misconduct.²⁷ The College may notify the complainant whether the inquiry found an investigation to be warranted and provide relevant portions of the inquiry report to the complainant for comment with 10 days. A confidentiality agreement is a condition for access to the report.

Any comments that are submitted by the respondent or complainant 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 and Notification

²⁶ 42 CFR §93.307(g)

²⁷ 42 CFR §93.309(a)

i. Decision by Deciding Official

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. The respondent and complainant will receive copies of the final determination.

ii. Notification to ORI

Within 30 calendar days of the DO's decision that an investigation is warranted, the Office of Sponsored Research will provide ORI with the DO's written decision and a copy of the inquiry report. The institution 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.²⁸ The RIO will be responsible to notify institutional officials who need to know of the DO's decision.

iii. Documentation of Decision Not to Investigate

If the DO decides that an investigation is not warranted, the Office of Sponsored Research shall secure and maintain for 7 years after the termination of the inquiry sufficiently detailed documentation of the inquiry to permit a later assessment by ORI of the reasons why an investigation was not conducted. These documents must be provided to ORI, federal funding representative, or other authorized personnel upon request.

The inquiry report and the DO's decision will not be placed in the respondent's file and will not be considered at any subsequent reviews for promotion.

VII. 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.²⁹ The purpose of the investigation is to develop a factual record by exploring the allegations in detail and examining the

²⁸ 42 CFR §93.308(a)

²⁹ 42 CFR §93.309(a) and (b)

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. Under 42 CFR §93.313 the findings of the investigation must be set forth in an investigation report.

b. Notifying Respondent; Sequestration of Research Records

On or before the date on which the investigation begins, the RIO must 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.³⁰

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 College'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.³¹

c. Appointment of the Investigation Committee

The DFD/RIO, in consultation with other institutional 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 five 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 or subject matter expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. Where possible,

³⁰ 42 CFR §93.310(a)

³¹ 42 CFR §93.310(b) and (c)

members should be drawn from tenured members of the faculty currently serving on elected committees of the faculty. Two of the five 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 one or two additional committee members from outside the institution. As with the inquiry stage described above, the RIO will again notify the respondent of the proposed committee membership to give the respondent an opportunity to object to a proposed member based upon a personal, professional, or financial conflict of interest. The period for submitting objections is 10 calendar days from notification. The DFD/RIO will make the final determination of whether a conflict exists.

d. Charge to the Committee and the First Meeting

i. Charge to the Committee

The RIO will define the subject matter of the investigation in 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 prescribed in paragraph e. of this section;
- 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 established 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 42 CFR §93.313.

ii. First Meeting

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. 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;³²
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;³³
- 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 in the record of the investigation;³⁴ 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.³⁵

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 the DO. However, if it is determined that the investigation will not be completed within this 120-day period, the Office of Sponsored Research will submit to ORI a written request for

³² 42 CFR §93.310(d)

³³ 42 CFR §93.310(e)

³⁴ 42 CFR §93.310(f)

³⁵ 42 CFR §93.310(g)

an extension, setting forth the reasons for the delay. The RIO will ensure that periodic progress reports are filed if ORI grants the request for an extension and directs the filing of such reports.³⁶

VIII. 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; The respondent's c.v. or resume should be included as part of the identification.
- Describes and documents the federal funding support, if applicable, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing said support. Also provide any information about pending proposals with foundations or federal agencies;
- 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.³⁷ 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 they did not engage in research misconduct because of honest error or a difference of opinion; (3) identify whether any publications need correction or retraction; (4) identify the person(s) responsible for the misconduct;³⁸ and (5) identify whether and what kind of sanctions are recommended to the Provost for final decision.

³⁶ 42 CFR §93.310(h)

³⁷ 42 CFR §93.311

³⁸ 42 CFR §93.313

b. Comments on the Draft Report and Access to Evidence

i. Respondent

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 respondent will be allowed 30 days from the date they received the draft report to submit comments to the RIO. The respondent's comments must be included and considered in the final report.³⁹

ii. Complainant

[The RIO may provide the complainant a copy of the draft investigation report, or relevant portions of it, for comment. The complainant has 30 days from the date on which they received the draft report to comment; these comments will be included and considered in the final report. See 42 CFR §93.312(b) and 93.313(g).]

iii. Confidentiality

In distributing the draft report, or portions thereof, to the respondent and complainant, 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, such as the signing of 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 (optionally: and complainant's) comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing: (1) whether the College 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 their 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. If the Provost determines that institutional actions should include

³⁹ 42 CFR §93.313(f)

termination of employment, Section 8 in the Statute of Instruction will be utilized for faculty, or The Corrective Action Policy for staff.

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 through the Office of Sponsored Research, 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 Office of Sponsored Research is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

d. Appeals

A respondent who is a faculty member may appeal the finding through appeal to the Faculty Grievance Committee. The Faculty Grievance Committee shall consider only allegations of infringement of academic freedom or allegations of errors, injustices, discrimination, or violation of proper procedures (Statute of Instruction, Section 10.C). The appeal must be completed within 120 days of its filing, unless ORI finds good cause for an extension, based upon the College's written request that explains the need for the extension. If ORI grants an extension, it may direct the filing of periodic progress reports 42 CFR §93.314.

A respondent who is a staff member may appeal the finding through the staff grievance process. This appeal shall only consider allegations of infringement of academic freedom or allegations of errors, injustices, discrimination, or violation of proper procedures. The appeal must be completed within 120 days of its filing, unless ORI finds good cause for an extension, based upon the College's written request that explains the need for the extension. If ORI grants an extension, it may direct the filing of periodic progress reports 42 CFR §93.314.

e. Notice to ORI of Institutional Findings and Actions

Unless an extension has been granted, the Office of Sponsored Research must, within the 120-day period for completing the investigation or the 120-day period for completion of any appeal, submit the following to ORI: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the College accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the College found misconduct

and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.⁴⁰

f. **Maintaining Records for Review by ORI**

The Office of Sponsored Research must maintain and provide to ORI upon request “records of research misconduct proceedings” as that term is defined by 42 CFR §93.317. Unless custody has been transferred to HHS or ORI has advised in writing that the records no longer need to be retained, records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding or the completion of any PHS (or other federal agency) proceeding involving the research misconduct allegation.⁴¹ The OSR is also responsible for providing any information, documentation, research records, evidence or clarification requested by ORI to carry out its review of an allegation of research misconduct or of the College’s handling of such an allegation.⁴²

The College will house records in the Office of Sponsored Research If misconduct has occurred, the investigation report and findings will also be added to the employee file. They will remain in the employee file for the duration of their working relationship with the College.

IX. Completion of Cases; Reporting Premature Closures of ORI

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. The Office of Sponsored Research must notify ORI in advance if there are plans to close a case at the inquiry, investigation, or appeal stage on the basis that respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except: (1) closing of a case at the inquiry stage on the basis that an investigation is not warranted; or (2) a finding of no misconduct at the investigation stage, which must be reported to ORI, as prescribed in this policy and 42 CFR §93.315.⁴³

X. Institutional Administrative Actions

If the DO determines that research misconduct is substantiated by the findings, they will decide on the appropriate actions to be taken, after consultation with the RIO and the investigation committee report. The administrative actions may include:

⁴⁰ 42 CFR §93.312(a), 93.313(g)

⁴¹ 42 CFR §93.315

⁴² 42 CFR §93.317(b)

⁴³ 42 CFR §93.300(g), 93.403(b) and (d)

- 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, or initiation of steps leading to possible rank reduction or termination of employment.
 - If the DO determines that the appropriate action is termination on the basis of the level of professional or ethical misconduct, a hearing panel shall be formed in accordance with Statute of Instruction II.8.F. The Chair of the Committee on Committees and the DO shall confer about necessary recusals prior to Committee on Committee determining members of the Hearing Panel. The DO must also share the investigative report with the President, who shall issue a written statement endorsing the DO's recommendation for dismissal. The President's written statement will be shared with the Hearing Panel. The Hearing Panel will also receive the full investigative report as described above in section VIII as well as the DO's written statement.
- Restitution of funds to the grantor agency as appropriate; or
- Other action appropriate to the research misconduct.

XI. Other Considerations

a. Termination or Resignation Prior to Completing Inquiry or Investigation

The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the College's responsibilities under 42 CFR Part 93.

If the respondent, without admitting to the misconduct, elects to resign their position after the College receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.

b. Restoration of the Respondent's Reputation

Following a final finding of no research misconduct, including ORI concurrence where required by 42 CFR Part 93, the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation.⁴⁴ Depending on the particular circumstances and the views of the respondent, the RIO should inform all parties involved and stress that the original allegation should in no way influence the rights and privileges of the researcher(s), as well as expunge all reference to the research misconduct allegation from the respondent's personnel file. Any actions taken by the RIO to restore the respondent's reputation should first be approved by the DO.

c. Protection of the Complainant, Witnesses and Committee Members

During the research misconduct proceeding and upon its completion, regardless of whether the College or ORI determines that research misconduct occurred, the RIO must undertake all reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith with the research misconduct proceeding.⁴⁵ The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing any steps the DO approves.

d. Allegations Not Made in Good Faith

If relevant, the DO will determine whether the complainant's allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith they will determine whether any administrative action should be taken against the person who failed to act in good faith. If any bad faith actions are insinuated as part of the inquiry or investigation reports, they will be followed up on by the RIO.

⁴⁴ 42 CFR §93.316(a)

⁴⁵ 42 CFR §93.304(k)

XII. Appendix A – Research Integrity Officer Responsibilities

A. General

The Research Integrity Officer (RIO) has lead responsibility for ensuring that the College:

- Takes all reasonable and practical steps to foster a research environment that promotes the responsible conduct of research, research training, and activities related to that research or research training, discourages research misconduct, and deals promptly with allegations or evidence of possible research misconduct.
- Has written policies and procedures for responding to allegations of research misconduct and reporting information about that response to ORI, as required by 42 CFR Part 93.
- Complies with its written policies and procedures and the requirements of 42 CFR Part 93.
- Informs its institutional members who are subject to 42 CFR Part 93 about its research misconduct policies and procedures and its commitment to compliance with those policies and procedures.
- Takes appropriate interim action during a research misconduct proceeding to protect public health, federal funds and equipment, and integrity of the PHS (federally funded) supported research process.

B. Notice and Reporting to ORI and Cooperation with ORI

The RIO has lead responsibility for ensuring that the College:

- Files an annual report with ORI containing the information prescribed by ORI.
- Sends to ORI with the annual report such other aggregated information as ORI may prescribe on the College's research misconduct proceedings and the College's compliance with 42 CFR Part 93.
- Notifies ORI immediately if, at any time during the research misconduct proceeding, it has reason to believe that health or safety of the public is at risk,

HHS resources or interests are threatened, research activities should be suspended, there is 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 College believes that the research misconduct proceeding may be made public prematurely, or the research community or the public should be informed.

- Provides ORI with the written finding by the responsible institutional official that an investigation is warranted and a copy of the inquiry report, within 30 days the date on which the finding is made.
- Within 120 days of beginning an investigation, or such additional days as may be granted by ORI, (or upon completion of any appeal) provides ORI with the investigation report, a statement of whether the College accepts the investigation's findings, a statement of whether the College found research misconduct and, if so, who committed it, and a description of any pending or completed administrative actions against the respondent.
- Seeks advance ORI approval if the College plans to close a case at the inquiry, investigation, or appeal stage on the basis that the respondent has admitted guilt, a settlement with the respondent has been reached, or for any other reason, except the closing of a case at the inquiry stage on the basis that an investigation is not warranted or a finding of no misconduct at the investigation stage.
- Cooperates fully with ORI during its oversight review and any subsequent administrative hearings or appeals, including providing all research records and evidence under the College's control, custody, or possession and access to all persons within its authority necessary to develop a complete record of relevant evidence.

C. Research Misconduct Proceeding

General – The RIO is responsible for:

- Promptly taking all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence, and sequester them in a secure manner.
- Taking all reasonable and practical steps to ensure the cooperation of respondents and other institutional members with research misconduct proceedings, including, but not limited to their providing information, research records and evidence.

- Providing confidentiality to those involved in the research misconduct proceeding as required by 42 CFR §93.108, other applicable law, and institutional policy.
- Determining whether each person involved in handling an allegation of research misconduct has an unresolved personal, professional or financial conflict of interest and taking appropriate action, including recusal, to ensure that no person with such a conflict is involved in the research misconduct proceeding.
- Keeping the Deciding Official (DO) and others who need to know apprised of the progress of the review of the allegation of research misconduct.
- In cooperation with other institutional officials, taking all reasonable and practical steps to protect or restore the positions and reputations of good faith complainants, witnesses, and committee members and to counter potential or actual retaliation against them by respondents or other institutional members.
- Making all reasonable and practical efforts, if requested and as appropriate, 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.
- Assisting the DO in implementing their decision to take administrative action against any complainant, witness, or committee member determined by the DO not to have acted in good faith.
- Maintaining records of the research misconduct proceeding, as defined in 42 CFR §93.317, in a secure manner for 7 years after completion of the proceeding, or the completion of any ORI proceeding involving the allegation of research misconduct, whichever is later, unless custody of the records has been transferred to ORI or ORI has advised that the records no longer need to be retained.
- Ensuring that administrative actions taken by the College and ORI are enforced and taking appropriate action to notify other involved parties, such as sponsors, law enforcement agencies, professional societies, and licensing boards, of those actions.

Allegation Receipt and Assessment – The RIO is responsible for:

- Consulting confidentially with persons uncertain about whether to submit an allegation of research misconduct.

- Receiving allegations of research misconduct.
- Assessing each allegation of research misconduct to determine if an inquiry is warranted because the allegation falls within the definition of research misconduct, is within the jurisdictional criteria of 42 CFR §93.102(b), and is sufficiently credible and specific so that potential evidence of research misconduct may be identified.

Inquiry – The RIO is responsible for:

Initiating the inquiry process if it is determined that an inquiry is warranted.

At the time of, or before beginning the inquiry, making a good faith effort to notify the respondent in writing, if the respondent is known.

On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, taking all reasonable and practical steps to obtain custody of all research records and evidence needed to conduct the research misconduct proceeding, inventorying the records and evidence and sequestering 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 the instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments.

Appointing an inquiry committee and committee chair as soon after the initiation of the inquiry as is practical.

Preparing a charge for the inquiry committee in accordance with the College's policies and procedures.

Convening the first meeting of the inquiry committee and at that meeting briefing the committee on the allegations, the charge to the committee, and the appropriate procedures for conducting the inquiry, including the need for confidentiality and for developing a plan for the inquiry, and assisting the committee with organizational and other issues that may arise.

Providing the inquiry committee with needed logistical support, e.g., expert advice, including forensic analysis of evidence, and clerical support, including arranging witness interviews and recording or transcribing those interviews.

Being available or present throughout the inquiry to advise the committee as needed and consulting with the committee prior to its decision on whether to recommend that an

investigation is warranted on the basis of the criteria in the institution's policies and procedures and 42 CFR §93.307(d).

Determining whether circumstances clearly warrant a period longer than 60 days to complete the inquiry (including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted), approving an extension if warranted, and documenting the reasons for exceeding the 60-day period in the record of the research misconduct proceeding.

Assisting the inquiry committee in preparing a draft inquiry report, sending the respondent a copy of the draft report for comment (and the complainant if determined appropriate) within a time period that permits the inquiry to be completed within the allotted time, taking appropriate action to protect the confidentiality of the draft report, receiving any comments, and ensuring that the comments are attached to the final inquiry report.

Receiving the final inquiry report from the inquiry committee and forwarding it, together with any comments the RIO may wish to make, to the DO who will determine in writing whether an investigation is warranted.

Within 30 days of a DO decision that an investigation is warranted, providing ORI with the written finding and copy of the inquiry report and notifying those institutional officials who need to know of the decision.

Notifying the respondent and the complainant whether the inquiry found an investigation to be warranted and including in the notice copies of or a reference to 42 CFR Part 93 and the College's research misconduct policies and procedures.

D. Investigation

The RIO is responsible for:

- Initiating the investigation within 30 calendar days after the determination by the DO that an investigation is warranted.
- Prior to notifying respondent of the allegations, taking all reasonable and practical steps to obtain custody of an sequester in a secure manner all research records and evident needed to conduct the research misconduct proceeding that were not previously sequestered during the inquiry.
- In consultation with other institutional officials as appropriate, appointing an investigation committee and committee chair as soon after the initiation of the investigation as is practical.
- Preparing a charge for the investigation committee in accordance with the institution's policies and procedures.

- Convening the first meeting of the investigation committee and at that meeting: (1) briefing the committee on the charge, the inquiry report and the procedures and standards for the conduct of the investigation, including the need for confidentiality and development a specific plan for the investigation; and (2) providing committee members a copy of the institution's policies and 42 CFR Part 93.
- Providing the investigation committee with needed logistical support, e.g., expert advice, including forensic analysis of evidence, and clerical support, including arranging interview with witnesses and recording or transcribing those interviews.
- Being available or present throughout the investigation to advise the committee as needed.
- On behalf of the institution, the RIO is responsible for each of the following steps and for ensuring that the investigation committee: (1) uses diligent efforts to conduct an investigation that includes an examination of all research records and evidence relevant to reaching a decision on the merits of the allegations and that is otherwise thorough and sufficiently documented; (2) takes reasonable steps to ensure a impartial and unbiased investigation to the maximum extent practical; (3) interviews each respondent, complainant, and any other available person who has been reasonable identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent, and records or transcribes each interview, provides the recording or transcript to the interviewee for correction, and includes the recording or transcript in the record of the research misconduct proceeding; and (4) pursues 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 continues the investigation to completion.
- Assisting the investigation committee in preparing a draft investigation report that meets the requirements of 42 CFR Part 93 and the institution's policies and procedures, sending the respondent (and complainant at the institution's discretion) a copy of the draft report for their comment with 30 days of receipt, taking appropriate action to protect the confidentiality of the draft report, receiving and comments from the respondent and ensuring that the comments are included and considered in the final investigation report.
- Transmitting the draft investigation report to counsel for a review of its legal sufficiency.
- Assisting the investigation committee in finalizing the draft investigation report and receiving the final report from the committee.
- Transmitting the final investigation report to the Provost/DO.
- When a final decision on the case is reached, the RIO will normally notify both the respondent and the complainant in writing and will determine wither law enforcement agencies, professional societies, professional licensing boards,

editors of involved journals, collaborators, or other relevant parties should be notified of the outcome.