

## PROCEDURE

Effective Date: March 12, 2013

Approved By: Vice President for Academic Affairs

Authority: [POL-U4520.02](#)

### **PRO-U4520.02     ADDRESSING RESPONSIBLE CONDUCT FOR RESEARCH**

*Action by:**Action:*Vice Provost for  
ResearchResearch Compliance  
Officer

Complainant

Dean

RIO

1. **Appoints** or serves as the Research Integrity Officer (RIO).
2. **Trains** all federally funded principal investigators (PI) in responsible conduct of research. Training is offered on-line and via face to face classes offered on campus.
3. **Reports** the research misconduct orally or in writing to the Dean of the Respondent's College (Dean) or to the RIO.
4. **Maintains** confidentiality of allegations.
5. **Notifies** RIO of allegation of research misconduct.
6. **Informs** Respondent and Provost of research misconduct allegation within **three (3) working days** of receipt of the allegation.
7. **Decides** whether to proceed with an inquiry within **fourteen (14) days** of the initial allegation.
8. **Determines** whether the allegation evidence is sufficient to support an inquiry into research misconduct and whether the allegation falls under the definition of responsible conduct of research.
9. **Commences** inquiry to be completed within **sixty (60) calendar days** unless circumstances clearly warrant a longer period such as witness unavailability. If inquiry takes longer than sixty **60 days**, the inquiry record must include documentation of the reasons. 42 CFR 93.307(d)(2)(g).
10. **Ensures** that all original research records and materials relevant to the allegation are immediately secured.

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| Respondent   | 11. <b>Maintains</b> the confidentiality and cooperates with the conduct of the inquiry or investigation.   |
| Dean and RIO | 12. <b>Protect</b> the confidentiality of the Complainant and ensure that this person will not be retaliated against in the terms and conditions of employment or other status at the Institution.  |
|              | 13. <b>Protect</b> the confidentiality of the Respondent and the research misconduct allegation.  |
| RIO          | 14. <b>Conducts</b> the inquiry and investigation in a manner that ensures fair treatment to the Respondent and provides a prompt and thorough inquiry.   |
|              | 15. <b>Conducts</b> an inquiry into the allegation. The purpose of the inquiry is to make a preliminary evaluation of the evidence and testimony of the Respondent and witnesses to determine whether there is sufficient evidence to warrant an investigation. Respondent has a right for a union representative to be present in an interview. The Inquiry does not determine whether research misconduct has occurred.   |
|              | 16. <b>Interviews</b> the Respondent, Claimant, and witnesses as well as examines relevant research records and materials.  |
|              | 17. <b>Decides</b> whether there is sufficient evidence of possible research misconduct to recommend further investigation.   |
|              | 18. <b>Completes</b> the inquiry and prepares written inquiry report within <b>sixty (60) days</b> of receipt of the allegation. Written inquiry report listing the name and title of the witnesses and experts, if any; the allegations; the source of external funding, if any; a summary of the inquiry process used; a list of the research records reviewed; summaries of any interviews; and a description of the evidence in sufficient detail to demonstrate whether an investigation is warranted. |

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| RIO         | 19. <b>Provides</b> a copy of the Inquiry Report to the Respondent for comment and rebuttal.  |
| RIO         | 20. <b>Comments</b> and <b>rebutts</b> allegations in the Inquiry Report within <b>fourteen (14) days</b> of receiving the report.  |
| Complainant | 21. <b>Provides</b> the witness the portion of the draft inquiry report that addresses the witness's role. RIO may keep the Complainant apprised of the status of the matter.   |
| RIO         | 22. <b>Comments</b> and <b>rebutts</b> allegations in the Inquiry report within <b>fourteen (14) days</b> of receiving the report.  |
| RIO         | 23. <b>Attaches</b> Respondent's and the Claimant's comments to the report and may revise the inquiry report incorporating and responding to Respondent's comments.   |
| RIO         | 24. <b>Provides</b> a copy of the report with attachments to the Provost.   |
| RIO         | 25. If the research misconduct was committed on research funded by the National Institute of Health, the RIO <b>provides</b> a copy of the inquiry report to the Office of Research Integrity (ORI) notifying ORI of investigation. If the research was funded by another external agency, the RIO provides a copy of the inquiry report to the appropriate agency.   |
| RIO         | 26. <b>Establishes</b> reasonable conditions for review to protect the confidentiality of the report.   |
| Provost     | 27. <b>Reviews</b> report and determines whether to proceed with a full investigation. The case warrants full investigation if there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and the preliminary information-gathering from the inquiry indicates that the allegation may have substance. If a conflict of interest exists, the President or delegate will assume the Provost's responsibilities. |

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| RIO        | 28. <b>Nominate</b> Responsible Conduct of Research Panel (RCRP) comprised of at least three faculty members familiar with the research or scholarship included in the research or scholarship included in the alleged misconduct; and, including at least one faculty member whose academic appointment is outside of the college of the accused individual(s). Committee members must not have a conflict of interest with the Respondent.   |
| Respondent | 29. <b>Submits</b> list of RCRP members to Respondent.   |
| RIO        | 30. <b>Replies</b> with any objections to investigation committee members based on conflict of interest.   |
| RIO        | 31. <b>Nominates</b> replacement members to investigation committee to replace any committee members removed following Respondent's objection.   |
| RIO        | 32. <b>Prepares</b> charge within <b>ten (10) days</b> for RCRP describing the allegations and related issues identified during the inquiry, defines research misconduct, and identifies the name of the Respondent. The charge will state that the committee is to evaluate the evidence and testimony of the Respondent, Complainant, and witnesses, to determine whether, based on a preponderance of the evidence, research misconduct occurred and, if so, to what extent who was responsible, and its seriousness. |
| RIO        | 33. <b>Convenes</b> ; reviews charge; collects and reviews evidence. The Panel interviews the Respondent, witnesses, and reviews all evidence including documents, computer files, lab books to determine whether research misconduct has occurred. When possible, the interviews and deliberations should be recorded and transcribed. Experts may be consulted to assist with determination of research misconduct under the circumstances.  |
| RCRP       | 34. <b>Begin</b> investigations within <b>thirty (30) days</b> of the completion of the inquiry.   |

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35. The investigation includes conducting the investigation, preparing a report, and making the report available for comment to the subjects of the investigation. The Investigation Report must be completed within **sixty (60) days** of initiation of the investigation process unless extenuating circumstances are documented.
36. **Provides** transcript of witness testimony to witness for review and revision. Provides transcript of Respondent testimony to Respondent for review and revision.
37. In order to find research misconduct, the Respondent's actions must have been a significant departure from accepted practices in the research community.
38. **Drafts** Investigation Report including the following:
- The name of the committee members;
  - The name and position of the Respondent;
  - A description of the allegations of research misconduct;
  - The support for the research;
  - The basis for the investigation of research misconduct; and
  - The conclusion reached by the Committee.
39. **Submits** investigation report to Respondent and Complainant.
- Respondent and Complainant 40. **Submit** comments and rebuttal to investigation report findings within **fourteen (14) days** of receiving the report.
- RCRP 41. **Submits** Investigation Committee Report including report, witness testimony transcripts, complainant's and Respondent's comments and rebuttal to the RIO

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| RIO        | 42. <b>Submits</b> report and attachments to the Provost, the Respondent, and the Respondent's dean, department chair, and the appropriate federal agency. |
| Provost    | 43. <b>Imposes</b> penalty on Respondent   |
| Respondent | 44. May <b>appeal</b> determination to President within <b>thirty (30) days</b> of receiving the Provost's determination.                                  |
| President  | 45. <b>Reviews</b> report and Provost's determination and makes final ruling on disposition of the allegation.   |