

West Virginia University Research Integrity Procedure  
Approved by Vice President for Research on December 23, 2025

I. **Introduction**

A. General Policy

Integrity is an obligation of all who engage in the acquisition, application, and dissemination of knowledge. Scholars are bound to be objective, open, honest, and accountable in all aspects of their work. This duty, rooted in personal and professional ethics, is shared by all members of the University community.

B. Scope

This Policy and its procedures apply to all individuals, including faculty, students and staff at West Virginia University engaged in research, research-training, or application for research funding. This Policy applies to any person paid by, under the control of, or affiliated with the University, including but not limited to researchers, trainees, technicians and other staff members, students, fellows, guest researchers, or collaborators at West Virginia University. For persons subject to sanctions under this Policy, see Section IV, Jurisdiction below.

The Policy and procedures will be followed when an allegation of possible research misconduct is received by an institutional official.

II. **Definitions**

The following definitions apply only to this Policy:

- A. *Research misconduct* means fabrication, falsification, or plagiarism in proposing, conducting, reporting or reviewing research. Research misconduct does not include honest error or differences of opinion.
- B. *Research Integrity Officer* means the University employee, appointed by the President of West Virginia University, responsible for assessing allegations of research misconduct, conducting investigations of such allegations, and for implementing the procedures set forth in this Policy.
- C. *Accepted practices of the relevant research community* means those practices established by federal code and funding agencies, as well as commonly accepted professional codes or norms within the overarching community of researchers and institutions.

- 1 D. *Affirmative defense* means a claim by a respondent of honest error, a difference of  
2 opinion, or other excuse for the conduct in question.  
3
- 4 E. *Allegation* means a disclosure of possible research misconduct through any means of  
5 communication and brought directly to the attention of an institutional official.  
6
- 7 F. *Assessment* means a consideration of whether an allegation appears to fall within the  
8 definition of research misconduct and is sufficiently credible and specific so that  
9 potential evidence of research misconduct may be identified. The assessment only  
10 involves the review of readily accessible information relevant to the allegation.  
11
- 12 G. *Complainant* means a person who in good faith makes an allegation of research  
13 misconduct. (See VI, B below)  
14
- 15 H. *Conflict of interest* means there is a real or apparent divergence between an individual's  
16 private, personal relationships or interests and their professional obligations such that a  
17 reasonable observer might question whether the individual's professional actions or  
18 decisions are determined by or substantially altered by considerations of personal  
19 benefit, gain, bias, favoritism, or advantage.  
20
- 21 I. *Deciding Official* means the institutional official, appointed by the President of West  
22 Virginia University, who makes final determinations on allegations of research  
23 misconduct and any responsive University actions. The Deciding Official will not be  
24 the same individual as the Research Integrity Officer. The President may appoint more  
25 than one Deciding Official to accommodate the needs of the University and its various  
26 campuses. The Provost, or any successor in role or title, serves as the Deciding Official  
27 for all matters involving all campuses of the University except Health Sciences. The  
28 Chancellor and Executive Dean of Health Sciences, or any successor in role or title,  
29 serves as the Deciding Official for all matters arising on the Health Sciences campus.  
30 (See VI, C below)  
31
- 32 J. *Destruction of records* means the destruction, absence of, or respondent's failure to  
33 provide records adequately documenting the questioned research work. It is evidence  
34 of research misconduct where West Virginia University establishes by a preponderance  
35 of the evidence that the respondent intentionally or knowingly destroyed records after  
36 being informed, formally or informally, of the actual or potential research misconduct  
37 allegations. A respondent's failure to provide research records documenting the  
38 questioned research is evidence of research misconduct where the respondent claims to  
39 possess the records but refuses to provide them upon request, recklessly had records and  
40 destroyed them, or had the opportunity to maintain the records but did not do so, and the  
41 respondent's conduct constitutes a significant departure from accepted practices of the  
42 relevant academic community.  
43
- 44 K. *Evidence* means anything offered or obtained during a research misconduct proceeding  
45 that tends to prove or disprove the existence of an alleged fact. Evidence includes

documents, whether in hard copy or electronic form, information, tangible items, and testimony.

L. *Fabrication* means making up data or results and recording or reporting them.

M. *Falsification* means manipulating materials, equipment, or processes, or changing or omitting data or results such that the research work is not accurately represented in the record.

N. *Good faith* (a) Good faith as applied to a complainant or witness means having a reasonable belief in the truth of one's allegation or testimony, based on the information known to the complainant or witness at the time. An allegation or cooperation with a research misconduct proceeding is not in good faith if made with knowledge of or reckless disregard for information that would negate the allegation or testimony. (b) Good faith as applied to an institutional or committee member means cooperating with the research misconduct proceeding by impartially carrying out the duties assigned for the purpose of helping an institution meet its responsibilities. An institutional or committee member does not act in good faith if their acts or omissions during the research misconduct proceedings are dishonest or influenced by personal, professional, or financial conflicts of interest with those involved in the research misconduct proceeding.

O. *Hearing* means a fact-finding proceeding, held at the request of the Respondent, to determine whether a finding of research misconduct is justified.

P. *Hearing Panel* is a group of three members who conduct a hearing and reach a conclusion as to whether there has been a violation of this Policy. (See VI, E below).

Q. *Inquiry* means preliminary information-gathering and preliminary fact-finding to determine whether an allegation of research misconduct warrants an investigation.

R. *Inquiry and Investigation Committee* is a committee of up to seven (7) persons appointed by the Research Integrity Officer to review all evidence of inquiries and investigations and to issue reports and findings with respect to the same. At least three (3) members of the committee shall carry out its functions in each case. (See VI, F below).

S. *Intentionally* means to act with the aim of carrying out the act.

T. *Investigation* means the formal development, examination, and evaluation of a factual record to determine if misconduct has occurred, and, if so, to determine the responsible person and the necessary corrective actions.

- 1 U. *Investigator-Secretary* means a person appointed by the Research Integrity Officer to  
2 assist in the investigation of a claim of research misconduct and to maintain records  
3 under this Policy. (See VI, D below).  
4
- 5 V. *Knowingly* means to act with awareness of the act.  
6
- 7 W. *Mitigating factors* are aspects of the case which do not provide a defense for the  
8 respondent under this Policy, but which may be considered by the Deciding Official in  
9 determining the appropriate University response to the finding of research misconduct.  
10
- 11 X. *Plagiarism* means the appropriation of another person's ideas, processes, results, or  
12 words without giving appropriate credit. Plagiarism includes the unattributed verbatim  
13 or nearly verbatim copying of sentences and paragraphs from another's work that  
14 materially misleads the reader regarding the contributions of the author. It does not  
15 include the limited use of identical or nearly identical phrases that describe a commonly  
16 used methodology.  
17
- 18 Y. *Preponderance of the evidence* means proof by evidence that, compared with evidence  
19 opposing it, leads to the conclusion that the fact at issue is more likely true than not.  
20
- 21 Z. *Recklessly* means to propose, perform, or review research, or report research results,  
22 with indifference to a known risk of fabrication, falsification, or plagiarism.  
23
- 24 AA. *Research Record* means any data, document, computer file, computer storage medium,  
25 or any other written or non-written account or object that reasonably may be expected to  
26 provide evidence or information regarding the allegation of research misconduct. A  
27 research record may be in physical or electronic form. A record includes, but is not  
28 limited to, research proposals such as grant or contract applications, whether funded or  
29 unfunded; grant or contract progress and other reports; raw data; processed data; clinical  
30 research records; laboratory notebooks or records; study records; progress reports; lab  
31 meeting reports; and journal articles; notes; correspondence; videos; photographs; X-ray  
32 film; slides; biological materials; computer files and printouts; other machine readable  
33 data records; manuscripts, abstracts, theses, records of oral presentations, online  
34 content, and other publications; equipment use logs; laboratory procurement records;  
35 animal facility records; human and animal subject protocols; consent forms; medical  
36 charts; records of telephone calls or e-mail correspondence; and patient files.  
37
- 38 BB. *Research* means a systematic experiment, study, evaluation, demonstration, or survey  
39 designed to develop or contribute to general or specific knowledge relating to any  
40 academic discipline. It includes creating, establishing, discovering, developing,  
41 elucidating, confirming, or disseminating information about that academic discipline.  
42
- 43 CC. *Respondent* means the person against whom an allegation of research misconduct is  
44 directed or the person whose actions are the subject of the inquiry or investigation.

1 There can be more than one respondent in any inquiry or investigation. (See VI, G  
2 below).

3  
4 DD. *Retaliation* means any action that adversely affects a complainant, witness, or  
5 committee member by an institution or one of its members in response to:

- 6  
7 (a) a good faith allegation of research misconduct; or  
8 (b) good faith cooperation with a research misconduct proceeding.  
9

### 10 11 **III. Requirements of Findings**

12  
13 A finding of research misconduct under this Policy requires that—

- 14  
15 A. The conduct constitutes research misconduct;  
16  
17 B. The conduct is a significant departure from accepted practices of the relevant academic  
18 community;  
19  
20 C. The misconduct was committed intentionally, knowingly, or recklessly; and  
21  
22 D. The allegation be proven by a preponderance of the evidence.  
23  
24

### 25 **IV. Jurisdiction**

- 26  
27 A. All faculty and staff of the University engaged in research, regardless of the source of  
28 funding for that research, are subject to this Policy. All students engaged in research  
29 activities which result in the publication of research findings are also subject to this  
30 Policy. All contractors, subcontractors and other persons or entities doing research  
31 under the aegis of the University are subject to this Policy.  
32

33 These procedures do not apply to undergraduate or graduate students engaged in course  
34 work when that course work does not generate or seek to generate published research.  
35

#### 36 **B. Time Limitations**

- 37 1. Six-year limitation. This Policy applies only to research misconduct occurring  
38 within six years of the date a funding agency or West Virginia University  
39 receives an allegation of research misconduct.  
40 2. Exceptions to the six-year limitation.  
41 i. Subsequent use exception. If respondent continues or renews any incident  
42 of alleged research misconduct that occurred before the six-year  
43 limitation through the use of, republication of, or citation to the portion(s)  
44 of the research record (e.g., processed data, journal articles, funding  
45 proposals, data repositories) alleged to have been fabricated, falsified, or

1 plagiarized, for the potential benefit of the respondent, this exception  
2 applies.

- 3 ii. Exception for the health or safety of the public. If the funding agency or  
4 the institution determines that the alleged research misconduct, if it  
5 occurred, would possibly have a substantial adverse effect on the health  
6 or safety of the public, this exception applies.

7  
8 C. Termination of Employment or Resignation.

9  
10 The termination of the respondent's employment, by resignation or otherwise, before or  
11 after an allegation of possible research misconduct has been reported, will not preclude  
12 or terminate the misconduct procedures. If the respondent, without admitting to the  
13 misconduct, elects to resign his or her position prior to the initiation of an inquiry, but  
14 after an allegation has been reported, or during an inquiry, investigation, or hearing, the  
15 inquiry or investigation or hearing will proceed. If the respondent refuses to participate  
16 in the process after resignation, the Inquiry and Investigation Committee will use its best  
17 efforts to reach a conclusion concerning the allegations, noting in its report the  
18 respondent's failure to cooperate and its effect on the Inquiry and Investigation  
19 Committee's review of all the evidence.

20  
21 **V. Evidence and Burden of Proof**

22  
23 The following evidentiary standards apply to findings made under this policy.

- 24  
25 A. Standard of proof. Research misconduct or any affirmative defense must be proved by a  
26 preponderance of the evidence.

27  
28 B. Burden of proof.

- 29  
30 1. West Virginia University has the burden of proof for making a finding of research  
31 misconduct. That burden may be discharged either through the presentation of  
32 affirmative evidence of misconduct or through the presentation of evidence that the  
33 respondent has engaged in the destruction of records as those acts are defined  
34 above.  
35  
36 2. The respondent has the burden of proving, by a preponderance of the evidence, any  
37 affirmative defenses raised by the respondent.  
38  
39 3. The respondent has the burden of proving, by a preponderance of the evidence, any  
40 mitigating factors that are relevant to a decision to impose sanctions following a  
41 research misconduct proceeding.  
42  
43

44 **VI. Rights and Responsibilities of Participants**  
45

1 A. Research Integrity Officer

2  
3 The President of West Virginia University or the President's designee shall appoint the  
4 Research Integrity Officer who will have primary responsibility for implementation of the  
5 procedures set forth in this Policy. The Research Integrity Officer will be a University  
6 employee who is well qualified to handle the procedural requirements involved and is  
7 sensitive to the varied demands made on those who conduct research, those who are accused  
8 of misconduct, and those who report apparent misconduct in good faith.  
9

10 The Research Integrity Officer shall appoint the members of the Inquiry and Investigation  
11 Committee, of which the Research Integrity Officer shall be an ex officio voting member of  
12 the Committee and the Committee chair. Members of the Inquiry and Investigation  
13 Committee must be tenured faculty at the rank of associate or full professor (including  
14 emeritus faculty who were tenured at the rank of associate or full professor at the time of  
15 retirement). If it is necessary to constitute a Hearing Panel under this Policy, the Research  
16 Integrity Officer shall select the members of the Hearing Panel from an array of persons  
17 appointed by the Faculty Senate Committee on Committees. The Research Integrity Officer  
18 will provide training to the Inquiry and Investigation Committee and the array from whom  
19 Hearing Panel members are chosen on the content of this Policy and relevant laws touching  
20 on research misconduct.  
21

22 The Research Integrity Officer investigates allegations of alleged research misconduct and  
23 may appoint additional investigators to gather evidence in such cases. The Research  
24 Integrity Officer will ensure that necessary and appropriate expertise is secured to carry out  
25 a thorough and authoritative evaluation of the relevant evidence in an inquiry or  
26 investigation. The Research Integrity Officer will attempt to ensure that appropriate  
27 confidentiality is maintained throughout the proceedings as described below. The Research  
28 Integrity Officer will present evidence garnered to the Inquiry and Investigation Committee.  
29 The Research Integrity Officer is also responsible for maintaining files of all documents and  
30 evidence and for the confidentiality and the security of the files. These records shall be  
31 treated as exempt for purposes of disclosure under W. Va. Code 29B-1-1 *et seq.* They shall  
32 be maintained for a period of at least seven years after the completion of any inquiry  
33 instituted pursuant to these procedures. The Research Integrity Officer shall file an annual  
34 assurance in the Office of Research Integrity of the Public Health Service, and any other  
35 governmental agency requiring such an assurance, that the University is in compliance with  
36 their requirements concerning research misconduct.  
37

38 The Research Integrity Officer will strive to ensure fairness to the University and all  
39 participants in cases of alleged research misconduct.  
40

41 The Research Integrity Officer may consult, in his or her discretion, any employee or officer  
42 of West Virginia University or any entity under its control in order to carry out his or her  
43 responsibilities under this Policy.  
44

1 The Research Integrity Officer shall advise all West Virginia University personnel in  
2 complying with these procedures and with applicable standards imposed by government or  
3 external funding sources. The Research Integrity Officer will report to all external sources  
4 of funding as set forth in section IX of this Policy and as required by federal or state  
5 regulations.

#### 6 7 B. Complainant 8

9 The complainant, if known, will have an opportunity to give recorded testimony to the  
10 Research Integrity Officer, the Executive Secretary or any investigator for consideration by  
11 the Inquiry and Investigation Committee. The complainant may also be called upon to  
12 provide live testimony to any Hearing Panel convened in the matter. The complainant has  
13 the right to review portions of the inquiry report pertinent to his/her allegations or testimony  
14 (sections VIII, C, 3), to be informed of the results of the process (section IX), and to be  
15 protected from retaliation for good faith allegations (section VII, B). The complainant is  
16 entitled to protection afforded by the confidentiality provisions of this Policy (section VII,  
17 B).

18  
19 The complainant is responsible for making allegations in good faith, maintaining  
20 confidentiality to the fullest extent permitted by law, and cooperating with an inquiry,  
21 investigation or hearing proceeding in a timely manner.  
22

#### 23 C. Deciding Official 24

25 The Deciding Official will receive the inquiry or investigation reports and any written  
26 comments made by the respondent or the complainant. Sections VII, C, 3; VII, E, 4; and  
27 VIII. If the respondent elects to request a Hearing Panel, the Deciding Official will receive  
28 the report of findings of that Panel. Section VIII. The Deciding Official may accept or  
29 reject the reports, in whole or in part, and order further action as set forth in sections VII, C,  
30 3; VII, E, 4; and VIII below. If the final report in the matter finds that the respondent has  
31 committed research misconduct, the Deciding Official may, in his or her discretion, consult  
32 with the Research Integrity Officer or other appropriate officials and will determine whether  
33 to impose sanctions, or whether to take other appropriate administrative actions pursuant to  
34 section VIII below.  
35

36 The Deciding Official may consult, in his or her discretion, with any employee or officer of  
37 West Virginia University or any entity under its control in order to carry out his or her  
38 responsibilities under this Policy.  
39

#### 40 D. Investigator-Secretary 41

42 The Investigator-Secretary will be appointed by the Research Integrity Officer. The  
43 Investigator-Secretary will maintain the records required under this Policy and will  
44 participate in inquiries and investigations with the Research Integrity Officer. He or she will

1 also undertake further activities as requested by the Inquiry and Investigation Committee,  
2 Research Integrity Officer or the Deciding Official.

#### 3 4 E. Hearing Panel

5  
6 A Hearing Panel will be convened at the request of a respondent if the Inquiry and  
7 Investigation Committee concludes, after investigation, that the respondent has engaged in  
8 research misconduct (Section VIII, E, 3 and VIII, F). The Hearing Panel will be selected as  
9 set forth in Sections V, A and VII, F, 1. The Panel's procedures are set forth in Section VII.

#### 10 11 F. Inquiry and Investigation Committee

12  
13 The Research Integrity Officer shall appoint the members of an Inquiry and Investigation  
14 Committee for each of West Virginia University and for the West Virginia University  
15 Institute of Technology. The Committee will receive reports and evidence from the  
16 Research Integrity Officer, the Investigator or any other person appointed by the Research  
17 Integrity Officer and will decide whether investigations are warranted and whether research  
18 misconduct has occurred. The procedures of the Committee are set forth in Sections VII, B;  
19 VII, C; VII, D; and VII, E. Except as otherwise specifically provided, the decisions of the  
20 Inquiry and Investigation Committee shall be by a majority vote at a meeting at which a  
21 quorum of the committee is present. For these purposes, a quorum shall consist of fifty  
22 percent of the currently serving members of the Committee.

#### 23 24 G. Respondent

25  
26 The respondent will be informed of the allegations during or before the investigation and  
27 will receive copies of the inquiry and investigative reports at times set forth below. See  
28 Sections VIII, D, 2. The Research Integrity Officer or the Deciding Official will provide the  
29 respondent with written notice of the final determinations and resulting actions. (Sections IX  
30 C). The respondent will also have the opportunity to be interviewed by and present recorded  
31 evidence to the Research Integrity Officer or Executive Secretary for presentation to the  
32 Inquiry and Investigation Committee (VIII, D, 4), have a face to face meeting with the  
33 Inquiry and Investigation Committee at his or her request (Section VII, D, 5), to review and  
34 comment in writing upon the draft investigation report (Section VIII, E, 2), and to have the  
35 advice of counsel at all stages of the proceeding (Section VII, C). If the Inquiry and  
36 Investigation Committee determines that the respondent has committed research  
37 misconduct, the respondent may elect to have the matter heard by a Hearing Panel for an  
38 adjudication (Section VIII, E, 3).

39  
40 The respondent is responsible for maintaining confidentiality to the fullest extent permitted  
41 by law and cooperating with the conduct of an inquiry, investigation or hearing in a timely  
42 manner. Failure to cooperate in a timely manner may result in waiver of respondent's rights  
43 as set forth above.

1 If the respondent is not found guilty of research misconduct, the University shall offer,  
2 where appropriate, reasonable steps to provide assistance in restoring respondent's  
3 reputation.  
4

## 5 6 **VII. General Policies and Principles**

### 7 8 **A. Responsibility to Report Misconduct**

9  
10 All employees or individuals associated with West Virginia University should report  
11 observed, suspected, or apparent research misconduct to the Research Integrity Officer. If  
12 an individual is unsure whether a suspected incident falls within the definition of research  
13 misconduct, he or she may contact the Research Integrity Officer to discuss the suspected  
14 misconduct informally. If the circumstances described by the individual do not meet the  
15 definition of research misconduct, the Research Integrity Officer may refer the individual or  
16 allegation to other offices or officials with responsibility for resolving the problem.  
17

18 At any time prior to the initiation of an inquiry, an employee may have confidential  
19 discussions and consultations about concerns of possible misconduct with the Research  
20 Integrity Officer and will be counseled about appropriate procedures for reporting  
21 allegations.  
22

### 23 **B. Protecting the Complainant and Others**

24  
25 The Research Integrity Officer will monitor the treatment of individuals who bring  
26 allegations of misconduct or of inadequate institutional response thereto, and those who  
27 cooperate in inquiries, investigations or hearings. The Research Integrity Officer will take  
28 reasonable steps to ensure that these persons will not be retaliated against and will refer  
29 instances of alleged retaliation to the appropriate department for action.  
30

31 Employees should immediately report any alleged or apparent retaliation to the Research  
32 Integrity Officer.  
33

34 Also, West Virginia University will protect the privacy of those who report misconduct in  
35 good faith to the maximum extent possible consistent with applicable law. The complainant  
36 is entitled to the protection afforded by the confidentiality provisions of this Policy. The  
37 complainant will be advised that as this matter is investigated or if referred to a Hearing  
38 Panel or if applicable law otherwise requires, confidentiality cannot be guaranteed. West  
39 Virginia University will undertake diligent efforts to protect the positions and reputations of  
40 those persons who, in good faith, make allegations.  
41

### 42 **C. Protecting the Respondent**

43  
44 Inquiries, investigations and hearings will be conducted in a manner that will ensure fair  
45 treatment to the respondent. Confidentiality will be maintained to the extent possible

1 without compromising public health and safety or thoroughly carrying out the inquiry,  
2 investigation or hearing. Respondents accused of research misconduct may consult with  
3 legal counsel or a non-lawyer personal adviser (who is not a principal or witness in the case)  
4 to seek advice and may bring the counsel or adviser to interviews, meetings or hearings on  
5 the case. The counsel or advisor may present evidence on behalf of the respondent before  
6 any Hearing Panel in the matter and may ask questions of any other witness called during  
7 proceedings before such a Panel.  
8

#### 9 D. Cooperation with Inquiries and Investigations

10  
11 All West Virginia University employees, and the employees of entities under the control of  
12 the University, or who have contracted with the University to do research will cooperate  
13 with the Research Integrity Officer, the Investigator, the Inquiry and Investigation  
14 Committee, any Hearing Panel and other institutional officials in the review of allegations  
15 and the conduct of inquiries, investigations and hearings. Such employees and entities have  
16 an obligation to provide relevant evidence to the Research Integrity Officer, the Investigator,  
17 the Inquiry and Investigation Committee, any Hearing Panel or other institutional officials  
18 on misconduct allegations.  
19

#### 20 E. Confidentiality

- 21  
22 1. All participants in the procedures set out in this Policy, including the complainant  
23 and respondent and all witnesses, shall maintain the confidentiality of those  
24 procedures to the fullest reasonable extent permitted by law and by this Policy.  
25
- 26 2. Disclosure of the identity of respondents, complainants, and witnesses in research  
27 misconduct proceedings is limited, to the extent possible, to those who need to  
28 know, as determined by the Research Integrity Officer, consistent with a thorough,  
29 competent, objective and fair research misconduct proceeding, and as allowed by  
30 law. Those who need to know may include institutional review boards, journals,  
31 editors, publishers, co-authors, and collaborating institutions and funding entities.  
32 This limitation on disclosure of the identity of respondents, complainants, and  
33 witnesses no longer applies once an institution has made a final determination of  
34 research misconduct findings.  
35
- 36 3. Except as may otherwise be prescribed by applicable law, confidentiality must be  
37 maintained for any records or evidence from which research subjects might be  
38 identified. Disclosure is limited to those who have a need to know to carry out a  
39 research misconduct proceeding.  
40
- 41 4. Confidentiality does not prohibit the University from managing published data or  
42 acknowledging that data may be unreliable.  
43

#### 44 F. Admission of Research Misconduct

45

At any point in the Inquiry, Investigation, or Hearing, a Respondent may elect to admit the research misconduct charged. Such an admission must be in writing and signed by the respondent. The admission must address all the requirements of findings set forth in section III above. The admission may also include any factors in mitigation which the respondent wishes to advance. The admission will be presented for review by the Inquiry and Investigation Committee. If the Inquiry and Investigation Committee finds that the admission meets the tests of this section and finds that there is no other reason to reject the admission, it will prepare a report as required by section VII, E below and forward the matter to the Deciding Official for decision under section VII, E, 4 and VIII below.

## **VIII. Procedure**

### **A. Preliminary Assessment of Allegations**

Upon receiving an allegation of research misconduct, the Research Integrity Officer will immediately assess the allegation to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified and whether the allegation, if true, falls under the definition of research misconduct.

If the Research Integrity Officer concludes that the allegation is sufficiently credible and specific and that the allegation falls under the definition of research misconduct, he or she shall commence the inquiry process. Anonymous complaints will be considered by the Research Integrity Officer. If sufficient information is presented on which to make the finding required above, those complaints will be treated as any other complaint.

If the Research Integrity Officer concludes that the requirements for an inquiry are not met, he or she will close the case, notify the complainant, and keep a sufficiently detailed record to permit later review.

### **B. Conducting the Inquiry**

#### **1. Initiation and Purpose of the Inquiry**

In initiating the inquiry, the Research Integrity Officer should identify clearly the original allegation and any related issues that should be evaluated. The purpose of the inquiry is to conduct an initial review of the evidence to determine whether an allegation warrants an investigation. An inquiry does not require a full review of the evidence related to the allegation. The purpose of the inquiry is not to reach a final conclusion about whether the preponderance of the evidence indicates research misconduct is more likely to have occurred than not, or to determine who was responsible. The findings of the inquiry must be set forth in an inquiry report.

#### **2. Notice to the Respondent**

At the time of or before beginning an inquiry, the Research Integrity Officer will make a good faith effort to notify, in writing, the presumed respondent, if any of the allegations against them. If the inquiry subsequently identifies additional respondents, the Research Integrity Officer will notify them. Only allegations specific to a particular respondent will be included in the notification to that respondent. If additional allegations are raised, the Research Integrity Officer will notify the respondent(s), in writing, of the additional allegations raised against them. This notification will not contain the identity of the complainant.

### 3. Sequestration of Records

The Research Integrity Officer must promptly take all reasonable and practical steps to ensure that all research records and materials believed to be relevant to the allegation and needed to conduct the research misconduct proceeding are immediately secured. This may include copies of the data or other evidence so long as those copies are substantially equivalent in evidentiary value. The Research Integrity Officer must create an inventory of the research records and other evidence and sequester them in a secure manner. The Research Integrity Officer may consult with relevant governmental funding agencies for advice and assistance in this regard.

Whenever possible, the institution must obtain the research records or other evidence:

- a. before or at the time the institution notifies the respondent of the allegation(s); and
- b. whenever additional items become known or relevant to then inquiry or investigation.

When sequestering records in their original form, the Research Integrity Officer will provide copies as needed or make appropriate provision for access by the Respondent to these records consistent with maintaining their authenticity and with applicable law.

### 4. Convene Inquiry and Investigation Committee

The Research Integrity Officer will advise the Inquiry and Investigation Committee of the pendency of a complaint together with the names of the complainant, respondent and any relevant witnesses. If any member of the Inquiry and Investigation Committee believes that he or she has a conflict of interest, or if the Research Integrity Officer believes that there is the appearance of such a conflict, the relevant member of the committee will recuse him or herself and the Research Integrity Officer may appoint an *ad hoc* member of the committee to serve in the matter. If any party to the proceedings believes that any member of the Inquiry and Investigation Committee has a conflict of interest which would preclude a fair assessment of the complaint, that party should bring the conflict to the attention of the Research Integrity Officer who will determine whether the alleged conflict requires removal of the member from involvement in the case. If any party to the proceedings believes that the Research Integrity Officer has a

1 conflict of interest which would preclude a fair assessment of the complaint, that party  
2 should bring the conflict to the attention of the relevant Deciding Official, who shall  
3 determine whether it is necessary to appoint a special Officer for the proceeding.  
4

## 5 5. Inquiry Process 6

7 During the inquiry the Research Integrity Officer or the Investigator will normally  
8 interview the complainant as well as examine relevant records and materials. The  
9 respondent and relevant witnesses may be interviewed at this stage if conducting such  
10 an interview at this time is conducive to the proper resolution of the case.  
11

12 Records of these interviews and all relevant evidence will be presented to the Inquiry  
13 and Investigation Committee which will evaluate the evidence and testimony obtained  
14 during the inquiry. After consultation with the Research Integrity Officer, the  
15 committee members will decide whether there is sufficient evidence of possible  
16 research misconduct to recommend further investigation. The inquiry review may be  
17 done by the RIO in lieu of the committee, with the caveat that if needed, the RIO may  
18 utilize one or more subject matter experts to assist them in the inquiry. In these cases,  
19 the RIO will decide whether there is sufficient evidence of possible research misconduct  
20 to recommend further investigation.  
21

22 In making this determination, the committee or the RIO shall decide—  
23

- 24 a. Whether there is a reasonable basis for concluding that the allegation falls  
25 within the definition of research misconduct and  
26
- 27 b. Whether preliminary information-gathering and preliminary fact-finding from  
28 the inquiry indicates that the allegation may have substance.  
29

30 Findings of research misconduct, including the determination of whether the alleged  
31 misconduct is intentional, knowing, or reckless, cannot be made at the inquiry stage.  
32

33 The committee decision will be by majority vote. Any minority member of the  
34 committee is entitled to enter a separate report.  
35

## 36 37 C. The Inquiry Report 38

### 39 1. Elements of the Inquiry Report 40

41 The Inquiry report will be in writing and will include the following information—  
42

- 43 a. the names, professional aliases, and positions of the respondent and  
44 complainant;  
45

- b. a description of the allegation(s) of research misconduct;
- c. a description of outside support involved, if any;
- d. the composition of the inquiry committee, if used, including name(s), position(s), and subject matter expertise;
- e. inventory of sequestered research records and other evidence and description of how sequestration was conducted;
- f. transcripts of any transcribed interviews;
- g. timeline and procedural history;
- h. any scientific or forensic analyses conducted;
- i. the basis for recommending that the allegation(s) of misconduct warrants or does not warrant an investigation;
- j. a statement of the allegation to be investigated;
- k. any comments on the report by the respondent or the complainant; and
- l. any institutional actions implemented, including communications with journals or funding agencies.

## 2. Comments on Draft Report by Respondent

The Research Integrity Officer will provide the respondent with a copy of the draft inquiry report for comment.

Within 14 calendar days of the receipt of the draft report, the respondent will provide his or her comments, if any, to the Inquiry and Investigation Committee. Any comments will become part of the inquiry report. Based on the comments, the Inquiry and Investigation Committee may revise the report as appropriate.

## 3. Comments on the Draft Report by the Complainant

The Research Integrity Officer will provide the complainant with a copy of the draft inquiry report for comment following the execution of a non-disclosure agreement (NDA).

Within 7 calendar days of the receipt of the NDA, the complainant must provide a signed agreement. If the complainant fails to submit a signed agreement within 7 days, the RIO will finalize the draft inquiry report without comments from the complainant.

1  
2 Within 14 calendar days of the receipt of the draft report, the complainant will provide  
3 his or her comments, if any, to the Inquiry and Investigation Committee. Any comments  
4 will become part of the inquiry report. Based on the comments, the Inquiry and  
5 Investigation Committee may revise the report as appropriate. If the complainant fails to  
6 submit their comments within 14 days, the RIO will finalize the inquiry report without  
7 comments from the complainant.  
8

#### 9 4. Inquiry Decision and Notification

10  
11 If the Inquiry and Investigation Committee concludes that no investigation is  
12 appropriate, the Research Integrity Officer will transmit the report and any comments to  
13 the Deciding Official, who will make the determination of whether to accept that  
14 conclusion. If the Deciding Official determines that no investigation is required, the  
15 case is closed. If the Deciding Official determines that an investigation is required, he  
16 or she will return the matter to the Research Integrity Officer for investigation pursuant  
17 to Section VII, D below. Records of any decision will be maintained pursuant to  
18 Section XI below.  
19

#### 20 5. Time Frame for Completing the Inquiry Report

21  
22 The Inquiry and Investigation Committee will normally complete the inquiry and  
23 submit its report in writing no more than ninety (90) business days following its first  
24 meeting on the case, unless the Research Integrity Officer approves an extension, in  
25 writing. If the Research Integrity Officer approves an extension, the reason for the  
26 extension will be entered into the records of the case and the report.  
27

#### 28 6. Notification of Governmental Fund Sources

29  
30 If a decision is made that the case should proceed to investigation, the Research  
31 Integrity Officer shall notify any governmental agency covered by Section IX below  
32 and shall take any steps required by the regulations of that agency. A copy of this  
33 Policy shall accompany the report. The Research Integrity Officer may also notify, if  
34 appropriate, other outside research sponsors.  
35

#### 36 7. Notice to Respondent

37  
38 The Research Integrity Officer will notify the respondent whether the inquiry found that  
39 an investigation is warranted. The Research Integrity Officer will provide the  
40 respondent with a redacted copy of the inquiry report and a copy of this Policy and will  
41 point out his or her obligation to adhere to the process.  
42  
43

#### 44 D. Conducting the Investigation

45

1           1. Purpose of the Investigation

2  
3           The purpose of the investigation is to explore in detail the allegations, to examine the  
4           evidence in depth, and to determine specifically whether research misconduct has been  
5           committed and, if so, by whom. The investigation will also determine whether there are  
6           additional instances of possible misconduct that would justify broadening the scope  
7           beyond the initial allegations and any additional issues identified by the Research  
8           Integrity Officer. The findings of the investigation will be set forth in an investigation  
9           report.

10  
11           2. Notice to Respondent

12  
13           If the respondent has not been previously notified of the complaint, the Research  
14           Integrity Officer will notify him or her in writing of the pending case before the  
15           investigation begins. The Research Integrity Officer will provide the respondent with a  
16           copy of this Policy and will point out his or her obligation to adhere to the process.

17  
18           If the investigation will address any allegation(s) of research misconduct not addressed  
19           during the inquiry or in the initial notice of investigation, the Research Integrity Officer  
20           will give the respondent written notice within a reasonable amount of time of deciding  
21           to pursue such allegation(s).

22  
23           If additional respondents are identified during the investigation, the RIO may, but is not  
24           required to, conduct a separate inquiry for each new respondent. If any additional  
25           respondent(s) are identified during the investigation, the RIO will notify them of the  
26           allegation(s) and provide them an opportunity to respond consistent with this Policy.  
27           While an investigation into multiple respondents can convene with the same  
28           investigation committee members, separate investigation reports and research  
29           misconduct determinations will be made for each respondent.

30  
31           3. Sequestration of the Records

32  
33           The Research Integrity Officer will take all reasonable steps to immediately sequester  
34           any additional pertinent records that were not previously sequestered during the inquiry.  
35           This sequestration should occur before or at the time the respondent is notified that an  
36           investigation has begun. The procedures to be followed for sequestration during the  
37           investigation are the same procedures that apply during the inquiry. The Respondent  
38           may have supervised access to the sequestered material for purposes of preparing their  
39           case.

40  
41           4. Investigation Process

42  
43           The investigation shall begin within thirty (30) days of the decision to proceed unless an  
44           extension is granted by the Research Integrity Officer. Any such extension will be  
45           documented in the file.

1  
2 The Research Integrity Officer will take reasonable steps to ensure an impartial and  
3 unbiased investigation to the maximum extent practicable, including participation of  
4 persons with appropriate scientific expertise who do not have unresolved personal,  
5 professional, or financial conflicts of interest relevant to the investigation. An institution  
6 may use the same committee members from the inquiry in their subsequent  
7 investigation.  
8

9 The Research Integrity Officer will use diligent efforts to ensure that the investigation is  
10 thorough and sufficiently documented and includes examination of all research records  
11 and other evidence relevant to reaching a decision on the merits of the allegation(s).  
12

13 The Research Integrity Officer will diligently pursue all significant issues and leads  
14 discovered that are determined relevant to the investigation, including any evidence of  
15 additional instances of possible research misconduct, and continue the investigation to  
16 completion. If additional allegations are raised, the respondent(s) must be notified in  
17 writing of the additional allegations raised against them.  
18

19 The Research Integrity Officer and any investigator will collect any additional evidence  
20 and interview any additional witnesses. The investigation will normally involve  
21 examination of all records relevant to the case. During the investigation, the Research  
22 Integrity Officer or investigator will interview the complainant, each respondent, and  
23 other available individuals who might have information regarding any relevant and  
24 substantive aspects of the investigation, including any witnesses identified by the  
25 Respondent. All interviews will be recorded and transcribed, which may be done by  
26 automated means. Any exhibits shown to the interviewee during the interview must be  
27 numbered and referred to by that number in the interview. Transcripts of the interview  
28 will be prepared, provided to the interviewed party for correction and included as part  
29 of the investigatory file. The respondent must not be present during the witnesses'  
30 interviews. The respondent will be provided a transcript of the interview(s) when  
31 presented with the draft investigation report.  
32

## 33 5. Review and Finding by the Inquiry and Investigation Committee 34

35 The Research Integrity Officer will present the record of the investigation, copies of all  
36 interview transcripts, copies of any written statements prepared by any witness, and all  
37 relevant evidence to the Inquiry and Investigation Committee.  
38

39 The Inquiry and Investigation Committee may direct the Research Integrity Officer to  
40 undertake further investigation or may itself elect to hear from one or more witnesses.  
41 If the respondent requests an interview by the Inquiry and Investigation Committee, the  
42 committee will provide for such an interview provided that it can be scheduled in such a  
43 way as to meet the deadlines set for the activity of the Committee. This interview is not  
44 a hearing.  
45

1 Based upon the evidence presented to it, the Inquiry and Investigation Committee will  
2 make a finding as to whether research misconduct occurred. Findings will be made by a  
3 majority vote of the committee and will be set forth in a written report. Any minority  
4 member may provide a minority report.  
5

#### 6 E. The Investigation Report

##### 7 1. Elements of the Investigation Report

8  
9 The investigation report will be in writing and include:  
10

- 11 a. Names, professional aliases, and positions of the respondent and complainant.
- 12 b. Description of the nature of the original allegations of research misconduct,  
13 including any additional allegation(s) addressed during the research  
14 misconduct proceeding, and identification of the specific research products  
15 allegedly associated with the research misconduct. This will include an  
16 identification of the specific published papers, manuscripts submitted but not  
17 accepted for publication (including online publication), funding applications,  
18 progress reports, presentations, posters, or other research records that allegedly  
19 contained the falsified, fabricated, or plagiarized material.
- 20 c. Description and documentation of any outside support, including, for example,  
21 any grant numbers, grant applications, contracts, and publications listing such  
22 support.
- 23 d. Description of the specific allegations of research misconduct which were the  
24 actual subject of the investigation.
- 25 e. Composition of investigation committee, including name(s), position(s), and  
26 subject matter expertise.
- 27 f. Inventory of sequestered research records and other evidence, except records  
28 the institution did not consider or rely on; and a description of how any  
29 sequestration was conducted during the investigation. This inventory must  
30 include manuscripts and funding proposals that were considered or relied on  
31 during the investigation.
- 32 g. Transcripts of all interviews conducted;
- 33 h. Any forensic analysis conducted;
- 34 i. The institutional policies and procedures under which the investigation was  
35 conducted.
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45

- 1 j. Any comments made by the respondent on the draft investigation report and  
2 the investigation committee's consideration of those comments;  
3
- 4 k. A statement for each separate allegation whether the Committee recommends a  
5 finding of research misconduct. If the investigation committee does not  
6 recommend a finding of research misconduct for an allegation, the  
7 investigation report must provide a detailed rationale. If the investigation  
8 committee recommends a finding of research misconduct for an allegation, the  
9 investigation report must, for that allegation:
- 10
- 11 (1) Identify the person(s) responsible for the misconduct;  
12
- 13 (2) Identify whether the research misconduct was falsification, fabrication, or  
14 plagiarism;  
15
- 16 (3) Indicate whether the misconduct was intentional, knowing, or in reckless  
17 disregard;  
18
- 19 (4) State whether the other requirements for a finding of research misconduct,  
20 as described in Section III in have been met, specifically including that the  
21 conduct is a significant departure from accepted practices of the relevant  
22 academic community;  
23
- 24 (5) Summarize the facts and the analysis which support the conclusion and  
25 consider the merits of any explanation, affirmative defenses, or factors in  
26 mitigation by the respondent;  
27
- 28 (6) Identify whether any publications need correction or retraction; and  
29
- 30 (7) List any current support or known applications or proposals for support  
31 that the respondent has pending with any outside agencies.  
32
- 33 l. The report must also include a list of any current support or known  
34 applications or proposals for support that the respondent has pending with  
35 external funding sources.  
36

37 2. Comments on the Report  
38

39 The Research Integrity Officer will provide the respondent with a draft copy of the  
40 investigation report for comment and rebuttal, along with a copy of the research  
41 records and other evidence that the investigation committee considered or relied on.  
42 This copy of the report and accompanying evidence may be redacted to preserve  
43 the confidentiality of the Complainant or any witnesses or as may be required by  
44 law. The respondent will be allowed thirty (30) calendar days to review and  
45 comment on the report. The respondent's comments will be attached to the

1 investigation report. The final version of the investigative report will take into  
2 account the respondent's comments in addition to all the other evidence.

### 3 4 3. Hearing Election

5  
6 If the Inquiry and Investigation Committee concludes that the respondent engaged  
7 in research misconduct, the Research Integrity Officer shall advise the respondent  
8 that he or she may elect to take the matter to a Hearing Panel prior to submission of  
9 the findings to the Deciding Official. The respondent will have 7 calendar days to  
10 indicate whether they elect to take the matter to a Hearing Panel. If the respondent  
11 declines to take the matter to a Hearing Panel, or fails to respond within 7 calendar  
12 days, the RIO will finalize the investigative report and send the matter to the  
13 Deciding Official. If the respondent elects to take the matter to a Hearing Panel,  
14 the RIO will notify relevant external funding agencies or organizations.

### 15 16 4. Deciding Official Review and Decision

17  
18 If the Inquiry and Investigation Committee concludes that no research misconduct  
19 occurred, or if the Inquiry and Investigation Committee concludes that research  
20 misconduct did occur and the respondent has not elected to seek a Hearing Panel,  
21 the report of that decision will be delivered to the Deciding Official.

22  
23 If the Inquiry and Investigation Committee concludes that research misconduct did  
24 occur and the respondent elects a Hearing Panel, the Research Integrity Officer will  
25 add the investigation report to the case record.

### 26 27 5. Time Limit for Completing the Investigation Report

28  
29 An investigation should ordinarily be completed within one hundred and eighty  
30 (180) days of its initiation. Activities during this period include conducting the  
31 investigation, preparing the draft investigation report for each respondent, making  
32 the draft report available to each respondent for comment, finalizing the  
33 investigative report, and approval of the report by the Deciding Official if no  
34 hearing is required or sought. The Research Integrity Officer may approve, in  
35 writing, an extension for good cause. If the Research Integrity Officer approves an  
36 extension, the reason for the extension will be entered into the records of the case  
37 and the report. If funding from a governmental agency, including the Public Health  
38 Service, is involved, extensions must be approved by the relevant agency pursuant  
39 to section X, C below.

### 40 41 F. Hearing

42  
43 If the Inquiry and Investigation Committee concludes that research misconduct occurred  
44 and the respondent elects a Hearing Panel, the following procedures govern.

1           1.    Selection of Panel  
2

3           The Research Integrity Officer shall maintain an array of University employees chosen  
4           by the Faculty Senate Committee on Committees to serve in research integrity hearings.  
5           Hearing Panels will have three members. The respondent will choose one member of  
6           the Hearing Panel from the array. The Research Integrity Officer will then choose one  
7           member of the array. The final member of the Hearing Panel will be selected from the  
8           array by the two members previously selected. Panel members will be selected within  
9           fourteen (14) days of the Respondent's request for a hearing.  
10

11          If any member of the Hearing Panel believes that he or she has a conflict of interest, the  
12          relevant member of the Panel will recuse him or herself and the party responsible for  
13          appointing this member of the Hearing Panel will be required to designate another  
14          member of the array. If any party to the proceedings believes that any member of the  
15          proposed Hearing Panel has a conflict of interest which would preclude a fair  
16          assessment of the complaint, that party should bring the conflict to the attention of the  
17          Research Integrity Officer who will determine whether the alleged conflict requires  
18          removal of the member from involvement in the case.  
19

20          The panel must agree on a date within thirty (30) days of their appointment for the  
21          relevant hearing. If a member is unable to meet within this timeframe, the appointing  
22          party must name another member from the array.  
23

24           2.    Charge to the Panel  
25

26          The Research Integrity Officer will prepare a charge to the Panel setting forth the  
27          precise nature of the research misconduct alleged. A copy of that charge will be  
28          provided to the respondent when the Officer chooses his or her member of the panel.  
29          The respondent will prepare a statement asserting any defense and specifying any  
30          affirmative defenses or factors in mitigation which he or she may have. A copy of the  
31          respondent's statement will be delivered to the Research Integrity Officer five (5) days  
32          prior to the hearing. Both the charge and the respondent's statement will be delivered to  
33          the Panel by the Research Integrity Officer at the beginning of the first hearing in the  
34          matter.  
35

36           3.    Representation of Parties  
37

38          The General Counsel's office of the University will appoint a person to represent the  
39          University. The Respondent may retain counsel or seek the assistance of a non-lawyer  
40          representative. See section VI, C.  
41

42           4.    Functions of the Panel  
43

44          The Panel hears the evidence presented by both parties on the allegation of research  
45          misconduct and on any defenses or mitigation. It receives evidence from witnesses,

documents and other appropriate sources. It does not conduct any independent investigation. It is bound by these policies and must make its determinations based on the standards set forth herein. It is not bound by the formal rules of evidence and procedure but must afford all parties fairness in the presentation of evidence and argument. The Panel makes findings of fact concerning whether research misconduct occurred and if so, who committed that misconduct. It also makes findings as to whether any affirmative defenses or factors in mitigation have been proven. It does not make any judgment concerning the appropriate sanction, if any, for any misconduct. Nor does it substitute its judgment for the judgments embodied in this Policy. The proceedings before the Panel shall be recorded.

## 5. Default

If the respondent does not cooperate in constituting the Panel or does not appear for the hearing despite notice thereof, the Panel will not be constituted or will be disbanded and the findings of the Inquiry and Investigation Committee will be sent to the Deciding Official as if the request for hearing had never been made.

## 6. Findings

The Hearing Panel, after receiving all the evidence offered by the parties, shall make written findings. The findings will include:

- a. Allegations. Set forth the charge of research misconduct.
- b. Outside support. Describe and document any outside support, including, for example, any grant numbers, grant applications, contracts, and publications listing such support.
- c. Records and evidence. Identify and summarize the records and evidence reviewed, and identify any evidence taken into custody but not reviewed.
- d. Statement of findings. For each separate allegation of research misconduct identified in the charge, provide a finding as to whether research misconduct did or did not occur, and—
  - (1) Identify whether, if there was research misconduct, the research misconduct was falsification, fabrication, or plagiarism;
  - (2) Identify whether, if there was research misconduct, it was intentional, knowing, or in reckless disregard;
  - (3) Identify the person(s) responsible for the misconduct, if any;

- (4) State whether any affirmative defense or matter in mitigation has been proved by the respondent;
- (5) Summarize the facts and the analysis which support the conclusion;
- (6) Identify whether any publications need correction or retraction or whether other corrective action needs to be taken; and
- (7) List any current support or known applications or proposals for support that the respondent has pending with any outside agencies.

Findings shall be made by a majority of the Panel with minority findings noted as appropriate. The findings shall be signed by all members of the panel. Findings shall be directed to the Deciding Official. The Research Integrity Officer may provide a form to the panel on which to record its findings. A copy of that form will be provided to the respondent.

#### 7. Time Limits

The panel shall complete its process within one hundred (100) days of the appointment of the first panel member by the Respondent unless there is good cause for a delay. Either the Research Integrity Officer, Office of the General Counsel or Respondent may petition the Deciding Official for an extension of this deadline.

### **IX. Deciding Official Review and Decision**

The Deciding Official will make the final determination whether to accept the inquiry, investigation report or Panel decision. The Deciding Official may accept the findings, in whole or in part, may reject the findings, or may remit the matter to the Inquiry and Investigation Committee for further investigation or review. If the determination varies from that of the Committee or Panel, the Deciding Official will explain in writing the basis for rendering a different decision. The Deciding Official's explanation should be consistent with this Policy. In the event that the case is returned to the Inquiry and Investigation Committee, the Deciding Official will note any deficiencies found in the investigative report.

If the Deciding Official accepts a finding that research misconduct did not occur, he or she will direct the Research Integrity Officer to take steps to notify any interested persons or organizations of the conclusion, take any steps appropriate to restore the reputation of the respondent, and close the file.

If the Deciding Official accepts a finding that research misconduct did occur, the Deciding Official will determine what action will be taken by the University. The actions may include but are not limited to:

- A. withdrawal or correction of all pending or published abstracts and papers emanating from the work where research misconduct was found;
- B. 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;
- C. restitution of funds as appropriate.

In addition, the Deciding Official will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals, collaborators of the respondent, or other relevant parties should be notified of the outcome of the case.

The Deciding Official will provide a written report of their decision that includes:

1. Whether the institution found research misconduct and, if so, who committed the misconduct; and
2. A description of relevant institutional actions taken or to be taken.

The Deciding Official's determination, together with all previous reports constitute the final record. If governmental funding sources are involved in the case, a copy of the record will be forwarded to those agencies as provided in section IX below. If the research is supported by non-governmental entities, a copy of the report will be sent to them as well. A copy will also be provided to the respondent.

When a final decision on the case has been reached, the Research Integrity Officer will notify both the respondent and the complainant in writing of the decision. The Research Integrity Officer is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

## **X. Requirements for Reporting to Governmental Agencies**

Certain governmental agencies, by law or regulation, require that institutions such as West Virginia University applying for or receiving their funds report inquiries and investigations of research misconduct to them. The provisions of this section apply only to those agencies.

### **A. Decision to investigate**

West Virginia University's decision to initiate an investigation must be reported in writing to appropriate official within the Office of Research Integrity of the Public Health Service or any other governmental agency which has funded the work in question. The relevant regulations of the agency are to be followed in making these reports. This notice will be sent within thirty (30) days of the decision to investigate.

1 B. Termination of Investigation

2  
3 If West Virginia University plans to terminate an inquiry or investigation for any reason  
4 without completing all relevant requirements of the relevant governmental regulations, if  
5 applicable, the Research Integrity Officer will submit a report of the planned termination to  
6 Office of Research Integrity of the Public Health Service or other agency, including a  
7 description of the reasons for the proposed termination.  
8

9 C. Inability to Complete Timely Investigation

10  
11 If West Virginia University determines that it will not be able to complete the investigation  
12 in one hundred and eighty (180) days, the Research Integrity Officer will submit to the  
13 Office of Research Integrity of the Public Health Service or other relevant government  
14 agency, if applicable, a request for an extension that explains the delay, reports on the  
15 progress to date, estimates the date of completion of the report, and describes other  
16 necessary steps to be taken. If the request is granted, the Research Integrity Officer will file  
17 periodic progress reports as requested by the relevant agency.  
18

19 D. Immediate Notice

20  
21 The Research Integrity Officer will notify the Office of Research Integrity of the Public  
22 Health Service or any other relevant governmental agency, if applicable, at any stage of the  
23 inquiry or investigation if:  
24

- 25 1. there is an immediate health hazard involved;
- 26  
27 2. there is an immediate need to protect Federal funds or equipment;
- 28  
29 3. there is an immediate need to protect the interests of the person(s) making the  
30 allegations or of the individual(s) who is the subject of the allegations as well as  
31 his/her co-investigators and associates, if any;
- 32  
33 4. it is probable that the alleged incident is going to be reported publicly;
- 34  
35 5. the allegation involves a public health sensitive issue, *e.g.*, a clinical trial; or
- 36  
37 6. there is a reasonable indication of possible criminal violation. In this instance, West  
38 Virginia University must inform relevant governmental agency within 24 hours of  
39 obtaining that information.  
40

41 E. Report of Investigation

42  
43 In all cases in which an investigation took place, the Research Integrity Officer will provide  
44 the entire institutional record to any relevant governmental agency or funding organization  
45 upon conclusion of the investigation. That record will include:

1. Documentation of the assessment
2. Inquiry Report. Including all records considered or relied on during the inquiry.
3. Investigation Report. Including all records considered or relied on during the investigation.
4. Transcripts
5. Hearing Panel findings. Including a copy of the findings of the Panel if one occurred.
6. Final University action. Stating whether the institution found research misconduct, and if so, who committed the misconduct.
7. Findings. Stating whether the University accepts the investigation's or hearing's findings.
8. University administrative actions. Describe any pending or completed administrative actions against the respondent.

#### F. Admission of Misconduct

When governmental funding or applications for funding are involved and an admission of research misconduct is made, the Research Integrity Officer will contact the Office of Research Integrity of the Public Health Service or any other relevant agency for consultation and advice. When the case involves governmental funds, the University cannot accept an admission of research misconduct or reach a settlement with the respondent as a basis for closing a case or not undertaking an investigation without prior approval from the relevant funding agency or organization.

### XI. Other Considerations

#### A. Allegations Not Made in Good Faith

If relevant, the Deciding Official will determine whether the complainant's allegations of research misconduct were made in good faith. If an allegation was not made in good faith, the Deciding Official will determine whether any administrative action should be taken against the complainant.

#### B. Interim Administrative Actions

1 Officials of West Virginia University will take interim administrative actions, as  
2 appropriate, to protect governmental funds or the University generally and to ensure that the  
3 purposes of the Federal financial assistance are carried out.  
4

## 5 **XII. Record Retention**

6

7 A. After completion of a case and all ensuing related actions, the Research Integrity  
8 Officer will prepare a complete file. This file will include:  
9

- 10 1. copies of all evidence and other materials furnished to or sequestered by the  
11 Research Integrity Officer, Inquiry and Investigation Committee or Hearing panel.  
12  
13 a. the Research Integrity Officer may exclude those records that are not relevant  
14 to the proceeding or those records that duplicate other records that are being  
15 retained.  
16  
17 b. the Research Integrity Officer will retain documentation of the determination  
18 of irrelevant or duplicate records;  
19  
20 2. The inquiry report and final documents (not drafts) produced in the course of  
21 preparing that report, including the documentation of any decision not to  
22 investigate if such a decision was made;  
23  
24 3. The investigation report and all records (other than drafts of the report) in support  
25 of that report, including the recordings or transcriptions of each interview  
26 conducted;  
27  
28 4. The complete record of any Hearing panel proceeding;  
29  
30 5. A complete record of the actions of the Deciding Official.  
31

### 32 **B. Retention Time**

33

34 Unless custody of the items above has been transferred to the relevant governmental agency  
35 or that agency has advised the University in writing that it no longer needs to retain the  
36 records or unless the University is required by law or contractual obligation to keep records  
37 for a longer period of time, the University must maintain records of research misconduct  
38 proceedings in a secure manner for 7 years after completion of the proceeding or the  
39 completion of any agency proceeding involving the research misconduct allegation,  
40 whichever is later.  
41

### 42 **C. Annual Reports**

43

1       The Research Integrity Officer shall provide an annual report on the status of pending  
2 matters under this Policy. Unredacted copies of these reports shall go to all Deciding  
3 Officials.