

RESEARCH MISCONDUCT POLICY AND PROCEDURES

- I. Introduction
 - A. General Policy
 - B. Scope
- II. Definitions
- III. General Policies and Principles
 - A. Responsibility to Report Misconduct
 - B. Cooperation with Research Misconduct Proceedings
 - C. Confidentiality
 - D. Protecting complainants, witnesses, and committee members
 - E. Protecting the Respondent
 - F. Interim Administrative Actions and Notifying ORI or Other Pertinent Agency of Special Circumstances
 - G. Impact on the Timing of an Appointment Review
- IV. Conducting the Assessment and Inquiry
 - A. Assessment of Allegations
 - B. Initiation and Purpose of the Inquiry
 - C. Notice to Respondent; Sequestration of Research Records
 - D. Appointment of the Inquiry Committee
 - E. Charge to the Committee
 - F. Inquiry Process
 - G. Time for Completion
- V. The Inquiry Report
 - A. Elements of the Inquiry Report
 - B. Notification to the Respondent and Opportunity to Comment
 - C. Institutional Decision and Notification
- VI. Conducting the Investigation
 - A. Initiation and Purpose
 - B. Notifying ORI and Respondent; Sequestration of Research Records
 - C. Appointment of the Investigation Committee
 - D. Charge to the Committee
 - E. Investigation Process
 - F. Time for Completion
- VII. The Investigation Report
 - A. Elements of the Investigation Report
 - B. Comments on the Draft Report and Access to Evidence
 - C. Decision by Deciding Official

- D. Appeals
- E. Notice to ORI or Other Pertinent Agencies of Institutional Findings and Actions
- F. Maintaining Records for Review by ORI or Other Pertinent Agencies
- VIII. Completion of Cases; Reporting Premature Closures to ORI or Other Pertinent Agencies
- IX. Institutional Administrative Actions
- X. Other Considerations
 - A. Termination or Resignation Prior to Completing Inquiry or Investigation
 - B. Restoration of the Respondent's Reputation
 - C. Protection of the Complainant, Witnesses and Committee Members
 - D. Allegations Not Made in Good Faith
 - E. Eventual Disposition/Maintenance of Inquiry and Investigation Reports

I. Introduction

A. General Policy

Misconduct in research runs contrary to Wellesley College's mission as an institution of higher education and to the value we place on academic integrity. It undermines public trust in the research enterprise of our faculty, staff and students, and wastes valuable public and private resources. Therefore, it is the policy of Wellesley College neither to condone nor to tolerate research misconduct by any member of its community.

B. Scope

This statement of policy and procedures is intended to carry out the College's responsibilities under the Federal Policy on Research Misconduct, published in the December 6, 2000, edition of the Federal Register, 65 Fed. Reg. 76,260 , as well as the corresponding policies on research misconduct of a variety of federal funding agencies.

This document applies to allegations of research misconduct (fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results-see Section II.) involving a person who, at the time of the alleged research misconduct, was employed by, was an

agent of, was under the authority of, or was affiliated by contract or agreement with Wellesley College. As such, the document is applicable to all members of the College community, including, but not limited to, faculty, staff and students.

This document does not distinguish between funded and unfunded research activities, except where it refers to specific agency requirements. This document does not distinguish between scholarly disciplines. It is acknowledged, of course, that research may take on a different character from discipline to discipline. However, each discipline has its professional standards of conduct, and to the extent that fabrication, falsification, or plagiarism is rejected by those professional standards, this document applies to the research activities of those disciplines.

This statement of policy and procedures does not apply to authorship or collaboration disputes.

II. Definitions

Advocacy means the presence of an individual or individuals ("advocate(s)") to provide support and consultation to the respondent throughout the misconduct proceedings. Advocates may include individuals such as legal counselors or personal advisors whom the respondent selects to serve in this role, and who may accompany them to meetings throughout the proceedings. Advocates will not be active participants in the proceedings.

Agency means a public or private agency or organization providing funds to support research.

Allegation means a disclosure of possible research misconduct through any means of communication. The disclosure may be by written or oral statement or other communication to an institutional official.

Assessment means the process of evaluating an allegation of research misconduct in order to determine whether the allegation falls within the definition of research misconduct, and is sufficiently credible and specific that potential evidence of research misconduct may be identified. (See *Section IV A*)

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

Days, for the purposes of this policy, refer to calendar days.

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 institution's inquiry, investigation, or allegation assessment. A DO's appointment of an individual to assess allegations of research misconduct, or to serve on an inquiry or investigation committee, is not considered to be direct prior involvement. The DO at Wellesley College is the Provost or his/her designee assigned by the President.

Fabrication is making up data or results and recording or reporting them.

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

Good faith as applied to a complainant or witness means having a belief in the truth of one's allegations or testimony that a reasonable person in the complainant's or witness's position could have, based on the information known to the complainant or witness at the time.

Inquiry means gathering information and initial fact-finding to determine whether an allegation or suspected research misconduct warrants an investigation. (See *Section IV B-G*)

Institutional members are all persons employed by, agents of, under the authority of, or affiliated with, Wellesley College.

Investigation means the formal development of a factual record and the examination of that record leading to: (1) a decision not to make a finding of research misconduct, or (2) a recommendation for a finding of research misconduct which may include a recommendation for other appropriate actions, including administrative actions. (See *Section VI*).

ORI means the Office of Research Integrity of the Public Health Service (PHS). This is the federal office charged with promoting integrity in biomedical and behavioral research supported by the PHS by monitoring institutional investigations of scientific misconduct and facilitating the responsible conduct of research.

PHS means the Public Health Service. PHS is the umbrella organization in the U.S. Federal Government consisting of eight Health and Human Services Agencies, the Office of Public Health and Science, and the Commissioned Corps. The NIH is the largest Agency within the PHS.

Plagiarism means the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Regulation means any regulation applicable to an externally funded grant or contract or to the handling of research misconduct allegations related to such grant, contract, or research performed under it.

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 and warrant an inquiry; (2) overseeing inquiries and investigations; and (3) the other responsibilities described in this policy. The RIO at Wellesley College is the Director of the Office of Sponsored Research (OSR) or his/her designee assigned by the President.

Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest error or differences of opinion. A finding of research misconduct requires that there be a significant departure from accepted practices of the relevant research community and that the misconduct be committed intentionally, knowingly, or recklessly.

Research record means the record of data or results that embody the facts resulting from research inquiry, including, but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses,

oral presentations, internal reports, journal articles, and any documents and materials provided to a government agency or an institutional official by a respondent in the course of the research misconduct proceeding.

Respondent means the person against whom an allegation of research misconduct is directed or the person whose actions are the subject of the inquiry or investigation. There can be more than one respondent in any inquiry or investigation.

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

III. General Policies and Principles

A. Responsibility to Report Misconduct

All institutional members have an explicit duty to 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, he or she may meet with or contact the RIO to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

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

B. Cooperation with Research Misconduct Proceedings

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

C. Confidentiality

The RIO shall make all reasonable and practical efforts to maintain confidentiality, consistent with federal regulations and institutional policy, and to: (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.

D. Protecting complainants, witnesses, and committee members

Institutional members may not retaliate in any way against complainants, witnesses, or committee members. Institutional members 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 made.

During the research misconduct proceeding, the RIO is responsible for ensuring that respondents receive all the notices and opportunities required by regulation and the policies and procedures of the institution.

Respondents may consult with their chosen advocate (who is not a principal or witness in the case) to seek advice, and may bring the advocate to interviews or meetings on the case.

F. Interim Administrative Actions and Notifying ORI or Other Pertinent Agency 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, sponsor funds and equipment, or the integrity of externally supported research process. In the event of such a threat, the RIO will, in consultation with other institutional officials and the pertinent agency, take appropriate interim action to protect against any such threat. Interim action might include additional monitoring of the research process and the handling of sponsor funds and equipment, reassignment of personnel or of the responsibility for the handling of sponsor funds and equipment, additional review of research data and results or delaying publication. The RIO shall, at any time during a research misconduct proceeding, notify pertinent external agencies immediately if he/she has reason to believe that any of the following conditions exist:

- Health or safety of the public is at risk, including an immediate need to protect human or animal subjects;
- Sponsor 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 federal sponsor action may be necessary to safeguard evidence and protect the rights of those involved; or
- The research community or public should be informed.

G. Impact on the Timing of an Appointment Review

The timing of a faculty member's reappointment, tenure, promotion, or merit review may be adjusted in the event that he or she is the respondent in a research misconduct inquiry and/or investigation. Any extension in the normal timetable for submission of review materials, external evaluations, recommendations by Reappointments and Promotions Committees, or decisions by the Committee on Faculty Appointments (CFA) shall be approved by the CFA. Normally, no such extension may be for a period longer than one year.

In the event that a respondent is found to have committed no misconduct, the year in which an inquiry or investigation occurs shall not count towards the respondent's time in rank with respect to a reappointment, tenure, or promotion review.

IV. Conducting the Assessment and Inquiry

A. Assessment of Allegations

Upon receiving an allegation of research misconduct, the RIO will immediately assess the allegation to determine whether the allegation falls within the definition of research misconduct, and is sufficiently credible and specific that potential evidence of research misconduct may be identified. 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 RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific that potential evidence of research misconduct may be identified.

If the criteria for an enquiry are not met, the RIO shall notify the respondent to that effect at the conclusion of the assessment. If the criteria for an enquiry are met, the RIO shall take the steps described in *Section IV B-E below*.

B. Initiation and Purpose of the Inquiry

If the RIO determines that the criteria for an inquiry are met, he or she will immediately initiate the inquiry process. The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation.

C. Notice to Respondent; Sequestration of Research Records

At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing, if the respondent is known. If the inquiry subsequently identifies additional respondents, they must be notified in writing.

On or before the date on which the respondent is notified, or the inquiry begins, whichever is earlier, the RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records and evidence and sequester them in a secure manner, except that where the research records or evidence encompass scientific instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments, so long as those copies are substantially equivalent to the evidentiary value of the instruments. The RIO may consult with ORI or other pertinent federal agencies for advice and assistance in this regard.

D. Appointment of the Inquiry Committee

The Inquiry Committee shall consist of three individuals - two members of the Board of Appeals, nominated by the Board for this purpose, and one additional person (either a faculty member or an administrator) appointed by the RIO, in consultation with other institutional officials as appropriate.

The RIO shall be responsible for notifying 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. Objections must be filed within 10 days. The President will make the final determination of whether a conflict exists.

E. Charge to the Committee

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

- Describes the allegations and any related issues identified during the allegation assessment;
- Specifies the purpose and scope of the inquiry;
- Informs the inquiry committee of any special reporting requirements to which they are subject.

The RIO will be 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. After consultation with the RIO, the committee members will decide whether an investigation is warranted based on the criteria in this policy. The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage if all relevant issues are resolved. In that case, the institution shall promptly consult with ORI or the pertinent agency to determine the next steps that should be taken. See Section VIII.

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 days of initiation of the inquiry, unless the RIO determines that circumstances 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. In such instances, the respondent will be notified of the extension.

V. The Inquiry Report

A. Elements of the Inquiry Report

The inquiry report must include the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the external support pertinent to the allegation, including, for example, grant numbers, grant applications, contracts and publications listing the support; (4) the basis for recommending or not recommending that the allegations warrant an investigation; (5) any comments on the draft report by the respondent or complainant; (6) the names and titles of the committee members and experts who conducted the inquiry; (7) a summary of the inquiry process used; (8) a list of the research records reviewed; (9) summaries of any interviews; (10) and whether any other actions should be taken if an investigation is not recommended.

B. Notification to the Respondent and Opportunity to Comment

The RIO shall notify the respondent whether the inquiry found an investigation to be warranted, include a copy of the draft inquiry report for comment within 10 days, and include a copy of or refer to any pertinent agency-specific regulations and the institution's policies and procedures on research misconduct.

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

C. Institutional Decision and Notification

1. 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. Normally, the DO will issue the determination within 10 days of receiving the final inquiry report. The inquiry is completed when the DO makes this determination.

2. Notification to ORI or Other Pertinent Agencies and Notification to Complainant

Within 30 days of the DO's decision that an investigation is warranted, the RIO will provide ORI, or other pertinent agency as required by regulation, with the DO's written decision and a copy of the inquiry report. The RIO will also notify those institutional officials who need to know of the DO's decision.

3. Documentation of Decision Not to Investigate

If the DO decides that an investigation is not warranted, the RIO 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, or any other pertinent agency as required by regulation, of the reasons why an investigation was not conducted.

VI. Conducting the Investigation

A. Initiation and Purpose

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

B. Notifying ORI and Respondent; Sequestration of Research Records

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

The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and sequester in a secure manner all research records and evidence needed to conduct the research misconduct proceeding that were not previously sequestered during the inquiry.

C. Appointment of the Investigation Committee

The RIO, in consultation with other institutional officials as appropriate, will appoint an investigation committee. Normally, the investigation committee will consist of no fewer than three individuals. The chair of the committee will be a tenured member of the faculty. The committee should include individuals with the appropriate scientific or scholarly expertise

to evaluate the evidence and issues related to the allegation, interview the respondent and complainant and conduct the investigation. Individuals appointed to the investigation committee may also have served on the inquiry committee.

The RIO will notify the respondent in writing of the proposed committee membership. The respondent will have 10 days to raise objections to the proposed committee membership based on personal, professional, or financial conflict of interest. The President will make the final determination of whether a conflict exists.

D. Charge to the Committee

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

- Describes the allegations and related issues identified during the inquiry;
- Specifies the scope and purpose of the investigation, and the procedures to be followed;
- Defines research misconduct; 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 any agency-specific reporting requirements.

The investigation committee will be provided with a copy of this statement of policy and procedures, the inquiry committee report, and any sponsor-specific requirements. The RIO will be available throughout the investigation to advise the committee as needed.

E. Investigation Process

The investigation committee and the RIO must:

- Use diligent efforts to ensure that the investigation is thorough and sufficiently documented and includes examination of all research records and evidence relevant to reaching a decision on the merits of each allegation;
- Take reasonable steps to ensure an impartial and unbiased investigation to the maximum extent practical;
- Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses

- identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and
- Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

F. Time for Completion

The investigation is to be completed within 120 days of beginning it, including conducting the investigation, preparing the report of findings, providing the draft report for comment and sending the final report to ORI (for PHS funded activities) or other pertinent agencies as required by regulation. However, if the RIO determines that the investigation will not be completed within this 120-day period, he/she will submit to ORI (or other pertinent agency as required by regulation) a written request for an extension, setting forth the reasons for the delay.

VII. The Investigation Report

A. Elements of the Investigation Report

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

- Describes the nature of the allegation of research misconduct, including identification of the respondent;
- Describes and documents any relevant external support, including, for example, the numbers of any grants that are involved, grant applications, contracts, and publications listing the external support;
- Describes the specific allegations of research misconduct considered in the investigation;
- Includes the institutional policies and procedures under which the investigation was conducted;
- Identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and
- Includes a statement of findings for each allegation of research misconduct identified during the investigation. Each statement of findings must: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed

intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation offered by the respondent; (3) identify the specific external support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with federal and non-federal agencies.

B. Comments on the Draft Report and Access to Evidence

1. 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 he/she received the draft report to submit comments to the RIO. The respondent's comments must be included and considered in the final report.

2. Confidentiality

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

C. Decision by Deciding Official

The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent's comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing: (1) whether the institution accepts the investigation report, its findings; and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO will, as part of his/her written determination, explain the basis for rendering a decision different from the findings of the investigation committee. The DO will normally issue a determination within 10 days of receipt of the final investigation report.

When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. After informing ORI (in the case of PHS funded activities, or other pertinent agencies as required by regulation), the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.

D. Appeals

Within 30 days of receipt of the DO's final determination, the Respondent may appeal to either reverse or modify the College's findings of research misconduct by filing a written notice of appeal with the RIO specifying one or more of the following grounds of appeal:

a. Procedural error in the investigation process that materially affected the outcome; b. Evidence that was not reasonably available during the investigation and would likely have materially affected the outcome; c. Sanctions that are seriously disproportionate to the gravity of the research misconduct.

The Respondent must include with the notice of appeal filed with the RIO all documentation, information, and evidence to be considered in the appeal.

The RIO shall deliver the appeal to the President of Wellesley College, along with the investigation report. The President, upon reviewing the investigation report and any supporting evidence necessary, shall make the final decision to uphold, reverse, or modify the findings of research misconduct, in writing, within 30 days of the filing of the appeal.

E. Notice to ORI or Other Pertinent Agencies of Institutional Findings and Actions

Unless an extension has been granted, the RIO must, within the 120-day period for completing the investigation (or the 30-day period for completion of any appeal), submit the following to ORI (in the case of PHS supported activities) or other

pertinent agencies as required by regulation: (1) a copy of the final investigation report with all attachments (and any appeal); (2) a statement of whether the institution accepts the findings of the investigation report (or the outcome of the appeal); (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent.

F. Maintaining Records for Review by ORI or Other Pertinent Agencies

The RIO must maintain and provide to ORI (or other pertinent agencies as required by regulation) upon request records of research misconduct proceedings. Unless custody has been transferred to HHS, or ORI (or another pertinent agency) 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.

VIII. Completion of Cases; Reporting Premature Closures to ORI or Other Pertinent Agencies

Generally, all inquiries and investigations will be carried through to completion and all significant issues will be pursued diligently. The RIO shall notify ORI (or the pertinent agency as required by regulation) 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 (or the pertinent federal agency), as prescribed in this policy.

IX. Institutional Administrative Actions

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

- Withdrawal or correction of all pending or published work 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;
- Restitution of funds to the grantor agency as appropriate; and
- Other action appropriate to the research misconduct (in consultation with existing internal policies/procedures that may apply to the situation).

X. 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 limit any of the institution's responsibilities under any applicable federal agency regulations. If the respondent is no longer an employee of the College, the institution will use its best efforts to meet all its investigative and reporting responsibilities, noting in any reports 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 or other pertinent agency concurrence, the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, and expunging all reference to the research misconduct allegation from the respondent's personnel file. Any institutional actions 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 institution or ORI/other pertinent federal agency 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 and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. 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, he/she will determine, in consultation with other institutional officials, whether any administrative action should be taken against the person who failed to act in good faith.

E. Eventual Disposition/Maintenance of Inquiry and Investigation Reports

The RIO will maintain copies of all the reports for at least the period required to fulfill reporting obligations to outside agencies. The DO and President may also have and maintain copies of reports. The inquiry and investigation reports will NOT become part of the respondent's personnel/appointments file maintained by Human Resources and the Provost's Office. However, the DO's final determination will be entered in the respondent's personnel/appointments file.