



MEMORANDUM

To: Donna E. Shalala, President

From: Mary Coombs
Chair, Faculty Senate

A handwritten signature in black ink that reads "Mary Coombs". The signature is written in a cursive style and is positioned over the printed name and title of the sender.

Date: December 28, 2005

Subject: Faculty Senate Legislation #2005-04(B) – Modification of the Faculty Manual Regarding Misconduct in Research Policy

The Faculty Senate, at its December 14, 2005 meeting, voted unanimously to approve the modifications to the Faculty Manual pertaining to the Misconduct in Research Policy to match the newly revised federal rules. This was approved with the understanding between the Senate and the proponents that there are areas that need enhancements and/or modifications other than those required, and that a revised policy, responding to these concerns will be brought forward to the Senate in the next couple of months.

The changes to the Faculty Manual are shown as underlined additions and ~~striketrough~~ deletions in the enclosed document. A clean copy of the document incorporating all of the changes is included as well. Both versions include reference to the relevant sections of the rules in the Federal Register that required the language immediately preceding the reference.

This legislation is now forwarded to you for your action. If approved, this legislation would become effective immediately.

MC/kl

cc: Thomas LeBlanc, Executive Vice President and Provost
Norman Altman, Vice Provost for Research

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CAPSULE: Faculty Senate Legislation #2005-04(B) – Modification of the Faculty Manual
Regarding Misconduct in Research Policy

PRESIDENT'S RESPONSE

APPROVED:  DATE: 12/28/05
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Office of Research

EFFECTIVE DATE OF LEGISLATION: _____
(if other than June 1 next following)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

[a clean version of the proposed modifications is included at the end of this document]

POLICIES AND PROCEDURES OF THE UNIVERSITY OF MIAMI RELATING TO ALLEGATIONS OF MISCONDUCT IN RESEARCH

Research in an institution such as the University of Miami is grounded upon the principles of academic freedom and mutual trust. The fostering of inquiry and creativity requires an atmosphere in which all are presumed to adhere to high ethical standards in the conduct of research and other academic pursuits. Misconduct in rResearch is a fundamental violation of this trust and represents an assault upon the integrity of the University community.

Acts of misconduct are fortunately rare events, but because of the seriousness of such allegations of misconduct and the special responsibilities of the University in such circumstances, both to individual researchers and to society, it is recognized that explicit procedures must be provided for dealing with instances of alleged misconduct. It is the purpose of this document to outline the policies and procedures that will be followed in the investigation and reporting of allegations of research misconduct at the University of Miami.

In establishing these procedures, however, it must be emphasized that the best mechanism for dealing with misconduct is to prevent it. Thus it is imperative that those who participate in research reaffirm their responsibility for the ethical conduct of all research activities with which they are associated. Principal investigators, laboratory supervisors and others who lead research recognize their ultimate responsibility for the authenticity of research conducted and published in their names and realize that they must provide adequate supervision for their trainees and research teams. It is also their responsibility to see that all persons who have contributed to the research receive appropriate credit for their work. It is incumbent upon collaborators and other contributors to research to understand that the inclusion of their names as co-authors of publications reflects a genuine contribution to the work, and signifies that they have approved the publication and are prepared to accept responsibility for the work reported.

In ~~order to respond to the event that the~~ allegations regarding the integrity of any published report is questioned, it is expected that adequate records of the original protocols and research records, including all raw data, will have been ~~must be~~ preserved for at least five-seven years (or longer if required by the funding agency), so they and ~~can be~~ made available for inspection. § 93.317(b)

This policy applies only to research misconduct occurring within six years of the date the University receives an allegation of research misconduct, unless (1) the respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the citation, republication or other use, for the potential benefit of the respondent, of the research record that is alleged to have been fabricated, falsified, or plagiarized, or (2) the institution, following consultation with Office of Research Integrity [hereinafter "ORI"]

determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse effect on the health or safety of the public. § 93.105

Definitions

Research means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research). §93.222 Research, as used herein, includes all basic, applied, and demonstration research in all fields of science, engineering, mathematics and other disciplines. This includes, but is not limited to, research in economics, education, the humanities, linguistics, medicine, nursing, psychology, the natural and social sciences, statistics, and research involving human subjects or animals.

Research record means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, chapters, books, audio or video, tapes, CD's, internal reports, journal articles, and any documents and materials provided to institution or an institutional official by a respondent in the course of the research misconduct proceeding. §93.224

Research involving PHS support means: (i) Applications or proposals for PHS support for biomedical or behavioral extramural or intramural research, research training or activities related to that research or research training, such as the operation of tissue and data banks and the dissemination of research information; (ii) PHS supported biomedical or behavior extramural or intramural research; (iii) PHS supported biomedical or behavioral extramural or intramural research training programs; (iv) PHS supported extramural or intramural activities that are related to biomedical or behavioral research or research training, such as the operation of tissue and data banks or the dissemination of research information; and (v) Plagiarism of research records produced in the course of PHS supported research, research training or activities related to that research or research training. This includes any research proposed, performed, reviewed, or reported or any research record generated from that research, regardless of whether an application or proposal for PHS funds resulted in a grant, contract, cooperative agreement, or other form of PHS support.

Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Plagiarism may also include self-plagiarism. Research misconduct does not include honest error or honest differences of opinion. § 93.103(d)

The Committee to Investigate Misconduct in Research

The Committee to Investigate Misconduct in Research (hereinafter referred to as the Committee) is charged with the responsibility of investigating allegations of research misconduct by members of the academic community of the University of Miami. ~~Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results or other practices that seriously deviate from those that are commonly accepted within the scientific or relevant academic community for proposing, conducting or reporting research. Research, as used herein, includes all basic, applied, and demonstration research in all fields of science, engineering, mathematics and other disciplines. This includes, but is not limited to, research in economics, education, the humanities, linguistics, medicine, nursing, psychology, the natural and social sciences, statistics, and research involving human subjects or animals. 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. The research record is the record of data or results that embodies the facts resulting from academic inquiry, and includes, but is not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, chapters, books, audio or video, tapes, CD's, internal reports, and journal articles. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Plagiarism may also include self plagiarism. Research misconduct does not include honest error or honest differences in interpretations or judgments of data.~~

———It is the Committee's responsibility to determine if allegations of research misconduct can be substantiated, to insure that the relevant authorities are informed of the existence and progress of any formal investigations, to make a final report on the findings of investigations, and to recommend appropriate action to the dean of the school or college and the Provost.

~~The Committee to Investigate Misconduct In Research shall be a standing body consisting of six tenured members of the faculty appointed by the Provost. There shall be at least one member from each of the three major campuses. Membership terms are for non-renewable three year terms and shall be staggered such that there are two new members each academic year. Members whose terms are ending while a specific matter is under consideration shall continue to serve for the duration of that matter. The Assistant Provost for Research Standards shall be an ex-officio member of the committee. The members of the committee will elect a chair to conduct the proceedings. Additional ad hoc members of the Committee with special expertise in the area of investigation may be appointed from within or outside the full-time faculty of the school at the request of the Committee or by the Vice Provost for Research. Members of the Committee whose participation in the investigation of allegations against a specific individual could be construed as inappropriate or who are involved in the research in question will be expected to recuse themselves from such proceedings; in case of doubt, the Vice Provost for Research will decide whether a Committee member should be excused or the Committee, ~~may~~ by majority vote, ~~may~~ require a member to recuse himself or herself. Reasonable steps shall be taken to ensure an impartial and unbiased investigation to the maximum extent practicable, including participation of persons with appropriate scientific expertise who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation. § 93.310(f) ~~The Assistant Provost for Research Standards shall be an ex-~~~~

~~officio member of the committee. The members of the committee will elect a chair to conduct the proceedings.~~

Procedures for the Investigation of Alleged Misconduct

The goal of the procedures is to investigate and resolve allegations of research misconduct in an expeditious, responsible and fair manner. The responsibility of protecting the rights and reputations of all who are involved in any investigation of research misconduct is recognized as an important one. For this reason, ~~all proceedings will be conducted in confidence, and only those who participate in an inquiry or formal investigation should have knowledge of it~~ disclosure of the identity of respondents and complainants in research misconduct proceedings shall be limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as allowed by law or required by regulation. §93.108 (a) ~~The institution-University shall protect, to the maximum extent possible, the privacy of those who in good faith report apparent research misconduct and shall undertake diligent all reasonable and practical efforts to protect the positions and reputations of such persons~~ any complainant, witness, or committee member and to counter potential or actual retaliation against these complainants, witnesses, and committee members. §93.304(1) Individuals responsible for carrying out any part of the research misconduct proceeding must not have unresolved personal, professional or financial conflicts of interest with the complainant, respondent or witness. § 93.300(b) ~~The institution-University and Committee shall afford the respondents, complainants and research subjects identifiable from research records or evidence affected individuals~~ confidential treatment to the maximum extent possible. § 93.300(e) ~~Persons accused of misconduct may consult with legal counsel, but neither legal counsel for neither the accused nor for the University may participate in any hearing or interview.~~

1. **Allegations** ~~— 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.~~ § 93.201 Allegations of misconduct should normally be reported to the Vice Provost for Research or designee, who shall determine if an inquiry is warranted. Others who receive an allegation of misconduct should immediately forward it to the Vice Provost.
2. An inquiry is warranted if the Vice Provost determines that the allegation (1) Falls within the definition of research misconduct and (2) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. § 93.307(a)
3. **Inquiry** ~~- An inquiry will be conducted by three tenured faculty members at large chosen by the Vice Provost for Research. The Assistant Provost for Research Standards shall be an ex-officio member of the inquiry committee. An inquiry is information gathering and initial fact finding to determine if a formal investigation of misconduct should be undertaken. An inquiry will be conducted by an Inquiry Panel, made up of three tenured faculty members at large chosen by the Vice Provost for Research. The Assistant Provost for Research Standards shall be an ex-officio member of the Inquiry Panel. The inquiry at this level should be discreet and should involve consultation with the individual(s) bringing the allegations and with the accused. It should be thorough enough to determine whether the accusations are clearly neither frivolous nor motivated by vindictiveness and are supported by some evidence. At the time of or before beginning an inquiry, the Inquiry Panel must make a good faith effort to notify in writing the presumed respondent. If the Inquiry Panel subsequently identifies~~

additional respondents, the University must notify them as well.

To the extent it has not already done so at the allegation stage, the University must, on or before the date on which the respondent is notified or inquiry begins, whichever is earlier, promptly take all reasonable and practical steps to 1) obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, 2) inventory the records and evidence, and 3) 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 in evidentiary value to the original data or evidence on the instruments. §93.307(b) The University shall, where appropriate, give the respondent copies of, or reasonable, supervised access to, the research record. § 93.305(b) The University shall undertake all reasonable and practical efforts to take custody of additional research records or evidence that is discovered during the course of a research misconduct proceeding. § 93.305(c)

An inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry as to whether an investigation is warranted. The individual(s) against whom the allegations were made shall be given a copy of the report of inquiry. If they comment on that report, their comments will be made part of the record. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period. The report shall be sent to the Vice Provost for Research.

An investigation is warranted if there is (1) A reasonable basis for concluding that the allegation falls within the definition of research misconduct and (2) Preliminary information-gathering and preliminary fact-finding from the inquiry indicates that the allegation may have substance. §93.307(d)

~~The reasons~~ An inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry. The individual(s) against whom the allegations were made shall be given a copy of the report of inquiry. If they comment on that report, their comments will be made part of the record. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60 day period. The faculty conducting the inquiry must either recommend an investigation be commenced or make a determination that an investigation not be conducted within 180 days from the date the allegation was submitted for inquiry. If it is for the decision whether an investigation is warranted that a formal investigation will not be conducted, the reasons for this decision should be documented in the written report of the Inquiry Panel by the faculty conducting the inquiry to the Vice Provost for Research. The Vice Provost for Research shall maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reason for determining that an investigation was not warranted. Such records shall be maintained in a

secure manner for a period of at least ~~seven~~three years after the termination of the inquiry, and shall, upon request, be provided to authorized federal agency personnel as may be required by law. § 93.317(b)

Within 30 days of finding that an investigation regarding research involving federal agency support is warranted the University shall provide ORI with the written findings and a copy of the inquiry report which includes the following information – (1) The name and position of the respondent; (2) A description of the allegations of research misconduct; (3) The federal agency support, including for example, grant numbers, grant applications, contracts, and publications listing federal agency support; (4) The basis for recommending that the alleged actions warrant an investigation; and (5) Any comments on the report by the respondent or the complainant. The University shall provide the following information to ORI upon request – (1) The institutional policies and procedures under which the inquiry was conducted; (2) The research records and evidence reviewed, transcripts or recordings of any interviews and copies of all relevant documents; and (3) The charges for the investigation to consider. §93.309(a)(b)

4. **Formal investigation of misconduct** - If findings from that inquiry provide a sufficient basis for conducting an investigation by the full Committee, the Vice Provost will initiate an investigation within 30 days of the completion of the inquiry. An investigation means the ~~formal examination and evaluation of all relevant facts to determine if research misconduct has occurred~~ formal development of a factual record and the examination of that record leading to a decision either not to make a finding of research misconduct or to recommend a finding of research misconduct; the latter finding may include a recommendation for other appropriate actions, including administrative actions. §93.215 The accused and any collaborators will be informed promptly ~~of the allegations, in writing, of the allegations,~~ of the decision to initiate a formal investigation, and of the procedures that will be followed. The Committee shall give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue such new allegations not addressed during the inquiry or included in the initial notice of investigation. §93.310 (c)

The Committee is empowered to call for and examine all relevant documentation, including, but not limited to, research data and proposals, laboratory notebooks, grant applications, publications, correspondence, memoranda of telephone calls and computer data, files and programs. These materials may relate to any research with which the accused is involved. To the extent the University has not already done so at the allegation or inquiry stages, the Committee shall take all reasonable and practical steps to 1) obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, 2) inventory the records and evidence, and 3) 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 in evidentiary value to the data or evidence on the instruments. Whenever possible, the University shall take custody of the records (1) before or at the time the Committee notifies the respondent; and (2) promptly thereafter, whenever additional items become known or relevant to the investigation. § 93.310(d) The University shall, where appropriate, give the respondent copies of, or reasonable, supervised access to, the research record. § 93.305(b)

A first round of hearings will be conducted in which those who have brought the charges, those alleged to have committed research misconduct, and any others who might have knowledge relevant to the alleged misconduct will be interviewed individually in closed-door session. A transcription or recording of these interviews shall be prepared and given to each interviewed party for comment or revision, and included as part of the investigatory file. § 93.310(g) The Committee shall consider and address any comments of the respondent and complainant before issuing a final report. § 93.313(g) Comments by any interviewed party or the accused must be made within 30 days of receipt of the transcription recording. The Committee shall 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 the allegations. § 93.310(e) The Committee shall pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research

misconduct, and continue the investigation to completion. §93.310(h)

At the conclusion of these hearings, the Committee will review the evidence and apprise all those who may bear some responsibility for the alleged misconduct of the results of the investigation to that point. These individuals will then be granted the right of rebuttal and the opportunity to present additional evidence to the Committee. Following this, the Committee may recall earlier witnesses for re-examination, call new witnesses, or close the investigative phase. In any case, before the Committee moves toward final deliberations, those bearing potential responsibility will always be given an opportunity to review and comment upon any new evidence uncovered subsequent to their last appearance before the Committee. ~~Complete summaries of these interviews should be prepared. A copy of the summary of each interviewed party will be provided to the interviewed party for comment or revision, and included as part of the investigatory file.~~

The Committee must complete all aspects of investigation 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 where required. If unable to complete the investigation in 120 days, the University must ask ORI for an extension in writing. §93.311(a)(b)

~~It will be the goal of the Committee to complete the investigation, hearings, deliberations, and recommendations for final disposition within 120 days of the initiation of the formal investigation. If it appears after 90 days have elapsed that this goal cannot be met, then a request for an extension should be made to the Vice Provost for Research and the cognizant funding agency if required. An interim report on progress and an estimated timetable for completion should be submitted as part of that request. Thereafter a report should be submitted every 60 days or as requested by the agency until the investigation is completed and recommendations have been made.~~

Committee Report and Recommendations

The Committee will evaluate all evidence and testimony in order to determine if the allegations of misconduct are substantiated and, if so, who must bear responsibility. Because of the negative impact of charges of misconduct, whether ultimately substantiated or not, on the research career of an individual, it is important that the Committee's final decision be rendered in clear terms. The University has the burden of proof to make a finding of research misconduct. The destruction, absence of, or respondent's failure to provide research records adequately documenting the questioned research is evidence of research misconduct where the University establishes by a preponderance of the evidence that the respondent intentionally, knowingly, or recklessly had research records and failed to produce them in a timely manner and that the respondent's conduct constitutes a significant departure from accepted practices of the relevant research community. The respondent has the burden of going forward with and the burden of proving, by a preponderance of the evidence, any and all affirmative defenses raised. In determining whether the University has carried the burden of proof imposed by this part, the Committee shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent. The respondent has the burden of going forward with and proving by a preponderance of the evidence any mitigating factors that are

relevant to a decision to impose administrative actions following a research misconduct proceeding. §93.106(b)

For a charge of misconduct to be upheld, the Committee (by a three-fourths majority vote) must be satisfied that the allegations have been substantiated by a preponderance of the evidence. A finding of research misconduct made requires a determination by the Committee (by a five-sixths majority vote) that (a) There was a significant departure from accepted practices of the relevant research community; (b) The misconduct was committed intentionally, knowingly, or recklessly; and (c) The allegation was proven by a preponderance of the evidence. §93.104 Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not. § 93.219 If the Committee can not reach this conclusion, then it will report that the individual(s) under investigation have been exonerated. A minority report may be written which will be included in the report. The Committee may make other relevant recommendations for action to be taken by the University.

At the close of its investigation, the Committee will prepare a two-part written report, and make that report available for comment by the subjects of the investigation. The Committee ~~and will~~ submit the report to the Provost, Dean of the School or College and the Vice Provost for Research. If they can be identified, ~~the the person(s) who raised the allegation~~ complainant(s) should be provided with those portions of the report that address their role and opinions in the investigation. The comments of the complainant, if any, must be submitted within 30 days of the date on which the complainant received the draft investigation report or relevant portions of it. §93.312(b)

The first part will consist of a summary of the allegations, the evidence pertaining to them, including an accurate summary of the views of any individuals accused of misconduct, and the conclusions of the Committee as to the substantiation of the charges and the assignment of responsibility. In the second part of the report the Committee shall recommend any action that should be taken in light of its findings. The final institutional investigation report must be in writing and must: (a) Describe the nature of the allegations of research misconduct; (b) Describe and document the funding support, if any, including for example, any grant numbers, grant applications, contracts, and publications listing funding agency support; (c) Describe the specific allegations of research misconduct for consideration in the investigation; (d) If not already provided to ORI with the inquiry report, include the institutional policies and procedures under which the investigation was conducted; (e) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody but not reviewed; (f) For each separate allegation of research misconduct identified during the investigation, provide a finding as to whether research misconduct did or did not occur, and if so, (1) Identify whether the research misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard. (2) Summarize the facts and the analysis which support the conclusion and consider the merits of any reasonable explanation by the respondent; (3) Identify the specific funding agency support, if any, (4) Identify whether any publication needs correction or retraction; (5) Identify the person(s) responsible for the misconduct; and (6) For research involving federal agency funding, list any current support or known applications or proposals for support that the respondent has pending with Federal agencies. (g) Include and consider any comments made by the respondent and complainant on the draft investigation report. The Committee

must maintain and provide to ORI upon request all relevant research records and records of the institution's research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews. §93.313

All recommendations of the Committee shall be considered as advisory to the dean of the school or college and the Provost, who shall be responsible for further action consistent with University policy. In principle, anyone found to have committed research misconduct should, in the absence of extenuating circumstances, be recommended for dismissal from the University. In the case of tenured faculty, this is consistent with initiation of termination for cause proceedings as a consequence of dishonesty in research as defined in the Faculty Manual. If it is found that misconduct was committed by a collaborator or other member of a research team, and the supervisor of the research is found to have failed to make reasonable and periodic inquiry as to the authenticity of the data, and if this inquiry would have been likely to prevent or uncover the fraudulent research, the supervisor should be recommended for appropriate sanction. The Provost will determine what sanctions and/or other corrective action will be taken in accordance with University policy and submit the report to any appropriate agencies.

If the Committee determines that the allegations of misconduct were made in bad faith, the Committee may recommend sanctions be imposed against those making bad faith allegations. This recommendation will be forwarded to the appropriate human resource department or to the Provost.

Notification During Inquiry or Investigation

The relevant governmental agency shall be notified by the Provost or designee when the institution determines that an investigation involving federally funded research is warranted. A determination of the need to inform other interested parties including the dean and the chair will also be made at this time. A determination as to whether other interested parties, such as collaborators, supervisors, and officials of sponsoring or funding agencies or institutions, shall be notified will normally be made only after a formal investigation is initiated. ~~In exceptional circumstances, such as those involving immediate health hazard or possible criminal violation or where significant ramifications for the academic and/or scientific community, the public at large, or a funding agency may result, consideration may be given to the advisability of notifying a funding agency even prior to initiation of a formal investigation.~~

~~The institution as determined by~~ The Provost or designee is responsible for immediately notifying the relevant governmental agency ORI if ~~the Provost or designee~~ ascertains at any stage of the inquiry or investigation of research misconduct involving federally sponsored research activities, that there is reason to believe that any of the following conditions exist:

- (a) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
- (b) HHS resources or interest are threatened.
- (c) Research activities should be suspended.
- (d) There is reasonable indication of possible violations of civil or criminal law.
- (e) Federal action is required to protect the interests of those involved in the research

misconduct proceeding.

(f) The research misconduct proceeding may be made public prematurely and HHS should be able to take appropriate steps to safeguard evidence and protect the rights of those involved.

(g) The research community or public should be informed. §93.318

- ~~(a) There is an immediate health hazard involved or public health or safety is at risk;~~
- ~~(1) There is an immediate need to protect Federal funds or equipment;~~
- ~~(2) Research activities should be suspended;~~
- ~~(3) There is an immediate need to protect the interests of the person(s) making the allegations or of the individual(s) who is the subject of the allegations as well as his/her co-investigators and associates, if any, or to safeguard evidence;~~
- ~~(4) It is probable that the alleged incident is going to be reported publicly;~~
- ~~(5) There is a reasonable indication of possible criminal violation. In that instance, the institution must inform the relevant governmental agency within 24 hours of obtaining that information.~~
- ~~(6) The research community or public should be informed.~~

In such circumstances, consideration may be given to the advisability of notifying a funding agency as well.

For federally funded studies, the Vice Provost for Research will keep ~~the Office of Research Integrity~~ ORI apprised of any developments during the course of the investigation which disclose facts that may affect current or potential agency funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest or as may be required by federal law or regulations.

Interim Action

If at any time during the formal investigation, the Committee feels that interim action by the administration is needed in order to safeguard the interests of any of the involved parties or funding agencies or to expedite the investigation, it may recommend appropriate measures to the Vice Provost. It will be the responsibility of the Vice Provost to consult regularly with the Committee during the investigation and to apprise funding agencies of any developments material to their interests, and take appropriate action to protect sponsoring agency funds.

Notification of Third Parties after Investigation

The Committee shall identify and advise the Vice Provost for Research of all parties who should be notified of its findings; these may include the Faculty Senate, editors of journals or officers of societies where research papers or abstracts related to the research have appeared or are pending, and the officials of current or past granting agencies involved in funding or otherwise sponsoring any compromised research. The Vice Provost for Research shall notify the Institutional Review Board or Institutional Animal Care and Use Committee ~~and Office of Research Integrity~~ where appropriate ~~or~~

~~required by federal regulation.~~ The Committee may also recommend actions concerning the release of information regarding the incident to the media and corrective actions to prevent further instances of misconduct in light of the experience gained from the investigation.

For research involving PHS funding, the Vice Provost for Research shall provide the ORI with a copy of the investigative report, including all attachments; a statement of whether the University found research misconduct and if so, who committed the misconduct; a statement whether the University accepts the Committee's findings; and a description of any pending or completed administrative actions against the respondent. § 93.315

———If the charges of misconduct are not substantiated, those under investigation shall be so notified in writing, and the ~~institution~~ University shall undertake diligent efforts to ensure that the reputations of those involved are restored as fully as possible. This may require, with approval of the accused, notification of collaborators, granting agencies, and any others who might have become aware of the investigation.

The University agrees to cooperate fully with ORI during its oversight review or any subsequent administrative hearings or appeals as may be authorized by federal regulations. This includes providing all research records and evidence under the institution's control, custody, or possession and access to all persons within its authority necessary to develop a complete record of relevant evidence. § 93.304(m)

Dissemination of This Statement of Policies and Procedures

This document shall be distributed to each faculty member on initial appointment and ~~to~~ the faculty at large shall be notified through posting on the University website and through appropriate University list servers whenever changes are made.

POLICIES AND PROCEDURES OF THE UNIVERSITY OF MIAMI RELATING TO ALLEGATIONS OF MISCONDUCT IN RESEARCH

Research in an institution such as the University of Miami is grounded upon the principles of academic freedom and mutual trust. The fostering of inquiry and creativity requires an atmosphere in which all are presumed to adhere to high ethical standards in the conduct of research and other academic pursuits. Misconduct in research is a fundamental violation of this trust and represents an assault upon the integrity of the University community.

Acts of misconduct are fortunately rare events, but because of the seriousness of such allegations of misconduct and the special responsibilities of the University in such circumstances, both to individual researchers and to society, it is recognized that explicit procedures must be provided for dealing with instances of alleged misconduct. It is the purpose of this document to outline the policies and procedures that will be followed in the investigation and reporting of allegations of research misconduct at the University of Miami.

In establishing these procedures, however, it must be emphasized that the best mechanism for dealing with misconduct is to prevent it. Thus it is imperative that those who participate in research reaffirm their responsibility for the ethical conduct of all research activities with which they are associated. Principal investigators, laboratory supervisors and others who lead research recognize their ultimate responsibility for the authenticity of research conducted and published in their names and realize that they must provide adequate supervision for their trainees and research teams. It is also their responsibility to see that all persons who have contributed to the research receive appropriate credit for their work. It is incumbent upon collaborators and other contributors to research to understand that the inclusion of their names as co-authors of publications reflects a genuine contribution to the work, and signifies that they have approved the publication and are prepared to accept responsibility for the work reported.

In order to respond to allegations regarding the integrity of any published report, adequate records of the original protocols and research records, including all raw data, must be preserved for at least seven years (or longer if required by the funding agency), so they can be made available for inspection. § 93.317(b)

This policy applies only to research misconduct occurring within six years of the date the University receives an allegation of research misconduct, unless (1) the respondent continues or renews any incident of alleged research misconduct that occurred before the six-year limitation through the citation, republication or other use, for the potential benefit of the respondent, of the research record that is alleged to have been fabricated, falsified, or plagiarized, or (2) the institution, following consultation with Office of Research Integrity [hereinafter "ORI"] determines that the alleged misconduct, if it occurred, would possibly have a substantial adverse

effect on the health or safety of the public. § 93.105

Definitions

Research means a systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research).

§93.222 Research, as used herein, includes all basic, applied, and demonstration research in all fields of science, engineering, mathematics and other disciplines. This includes, but is not limited to, research in economics, education, the humanities, linguistics, medicine, nursing, psychology, the natural and social sciences, statistics, and research involving human subjects or animals.

Research record means the record of data or results that embody the facts resulting from scientific inquiry, including but not limited to, research proposals, laboratory records, both physical and electronic, progress reports, abstracts, theses, oral presentations, chapters, books, audio or video, tapes, CD's, internal reports, journal articles, and any documents and materials provided to institution or an institutional official by a respondent in the course of the research misconduct proceeding. §93.224

Research involving PHS support means: (i) Applications or proposals for PHS support for biomedical or behavioral extramural or intramural research, research training or activities related to that research or research training, such as the operation of tissue and data banks and the dissemination of research information; (ii) PHS supported biomedical or behavior extramural or intramural research; (iii) PHS supported biomedical or behavioral extramural or intramural research training programs; (iv) PHS supported extramural or intramural activities that are related to biomedical or behavioral research or research training, such as the operation of tissue and data banks or the dissemination of research information; and (v) Plagiarism of research records produced in the course of PHS supported research, research training or activities related to that research or research training. This includes any research proposed, performed, reviewed, or reported or any research record generated from that research, regardless of whether an application or proposal for PHS funds resulted in a grant, contract, cooperative agreement, or other form of PHS support.

Research misconduct means fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Fabrication is making up data or results and recording or reporting them. Falsification is manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record. Plagiarism is the appropriation of another person's ideas, processes, results, or words without giving appropriate credit. Plagiarism may also include self-plagiarism. Research misconduct does not include honest error or honest differences of opinion. § 93.103(d)

The Committee to Investigate Misconduct in Research

The Committee to Investigate Misconduct in Research (hereinafter referred to as the

Committee) is charged with the responsibility of investigating allegations of research misconduct by members of the academic community of the University of Miami. It is the Committee's responsibility to determine if allegations of research misconduct can be substantiated, to insure that the relevant authorities are informed of the existence and progress of any formal investigations, to make a final report on the findings of investigations, and to recommend appropriate action to the dean of the school or college and the Provost.

The Committee shall be a standing body consisting of six tenured members of the faculty appointed by the Provost. There shall be at least one member from each of the three major campuses. Membership terms are for non-renewable three year terms and shall be staggered such that there are two new members each academic year. Members whose terms are ending while a specific matter is under consideration shall continue to serve for the duration of that matter. The Assistant Provost for Research Standards shall be an ex-officio member of the committee. The members of the committee will elect a chair to conduct the proceedings. Additional ad hoc members of the Committee with special expertise in the area of investigation may be appointed from within or outside the full-time faculty of the school at the request of the Committee or by the Vice Provost for Research. Members of the Committee whose participation in the investigation of allegations against a specific individual could be construed as inappropriate or who are involved in the research in question will be expected to recuse themselves from such proceedings; in case of doubt, the Vice Provost for Research or the Committee, by majority vote, may require a member to recuse himself or herself. Reasonable steps shall be taken to ensure an impartial and unbiased investigation to the maximum extent practicable, including participation of persons with appropriate scientific expertise who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry or investigation. § 93.310(f)

Procedures for the Investigation of Alleged Misconduct

The goal of the procedures is to investigate and resolve allegations of research misconduct in an expeditious, responsible and fair manner. The responsibility of protecting the rights and reputations of all who are involved in any investigation of research misconduct is recognized as an important one. For this reason, disclosure of the identity of respondents and complainants in research misconduct proceedings shall be limited, to the extent possible, to those who need to know, consistent with a thorough, competent, objective and fair research misconduct proceeding, and as allowed by law or required by regulation. §93.108 (a) The University shall protect, to the extent possible, the privacy of those who in good faith report apparent research misconduct and shall undertake all reasonable and practical efforts to protect the positions and reputations of any complainant, witness, or committee member and to counter potential or actual retaliation against these complainants, witnesses, and committee members. §93.304(1) Individuals responsible for carrying out any part of the research misconduct proceeding must not have unresolved personal, professional or financial conflicts of interest with the complainant, respondent or witness. § 93.300(b) The University and Committee shall afford the respondents, complainants and research subjects identifiable from research records or evidence confidential treatment to the extent possible. § 93.300(e) Persons accused of misconduct may consult with legal counsel, but legal counsel for neither the accused nor for the University may participate in any hearing or interview.

1. **Allegation** – 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. § 93.201 Allegations of misconduct should normally be reported to the Vice Provost for Research or designee, who shall determine if an inquiry is warranted. Others who receive an allegation of misconduct should immediately forward it to the Vice Provost.
2. An inquiry is warranted if the Vice Provost determines that the allegation (1) Falls within the definition of research misconduct and (2) is sufficiently credible and specific so that potential evidence of research misconduct may be identified. § 93.307(a)
3. **Inquiry** - An inquiry is information gathering and initial fact finding to determine if a formal investigation of misconduct should be undertaken. An inquiry will be conducted by an Inquiry Panel, made up of three tenured faculty members at large chosen by the Vice Provost for Research. The Assistant Provost for Research Standards shall be an ex-officio member of the Inquiry Panel. At the time of or before beginning an inquiry, the Inquiry Panel must make a good faith effort to notify in writing the presumed respondent. If the Inquiry Panel subsequently identifies additional respondents, the University must notify them as well.

To the extent it has not already done so at the allegation stage, the University must, on or before the date on which the respondent is notified or inquiry begins, whichever is earlier, promptly take all reasonable and practical steps to 1) obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, 2) inventory the records and evidence, and 3) 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 in evidentiary value to the original data or evidence on the instruments. §93.307(b) The University shall, where appropriate, give the respondent copies of, or reasonable, supervised access to, the research record. § 93.305(b) The University shall undertake all reasonable and practical efforts to take custody of additional research records or evidence that is discovered during the course of a research misconduct proceeding. § 93.305(c)

An inquiry must be completed within 60 calendar days of its initiation unless circumstances clearly warrant a longer period. A written report shall be prepared that states what evidence was reviewed, summarizes relevant interviews, and includes the conclusions of the inquiry as to whether an investigation is warranted. The individual(s) against whom the allegations were made shall be given a copy of the report of inquiry. If they comment on that report, their comments will be made part of the record. If the inquiry takes longer than 60 days to complete, the record of the inquiry shall include documentation of the reasons for exceeding the 60-day period. The report shall be sent to the Vice Provost for Research.

An investigation is warranted if there is (1) A reasonable basis for concluding that the allegation falls within the definition of research misconduct and (2) Preliminary information-gathering and preliminary fact-finding from the inquiry indicates that the allegation may have

substance. §93.307(d)

The reasons for the decision whether an investigation is warranted should be documented in the written report of the Inquiry Panel. The Vice Provost for Research shall maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reason for determining that an investigation was not warranted. Such records shall be maintained in a secure manner for a period of at least seven years after the termination of the inquiry, and shall, upon request, be provided to authorized federal agency personnel as may be required by law. § 93.317(b)

Within 30 days of finding that an investigation regarding research involving federal agency support is warranted the University shall provide ORI with the written findings and a copy of the inquiry report which includes the following information – (1) The name and position of the respondent; (2) A description of the allegations of research misconduct; (3) The federal agency support, including for example, grant numbers, grant applications, contracts, and publications listing federal agency support; (4) The basis for recommending that the alleged actions warrant an investigation; and (5) Any comments on the report by the respondent or the complainant. The University shall provide the following information to ORI upon request – (1) The institutional policies and procedures under which the inquiry was conducted; (2) The research records and evidence reviewed, transcripts or recordings of any interviews and copies of all relevant documents; and (3) The charges for the investigation to consider. §93.309(a)(b)

4. **Formal investigation of misconduct** - If findings from the inquiry provide a sufficient basis for conducting an investigation by the Committee, the Vice Provost will initiate an investigation within 30 days of the completion of the inquiry. An investigation means the formal development of a factual record and the examination of that record leading to a decision either not to make a finding of research misconduct or to recommend a finding of research misconduct; the latter finding may include a recommendation for other appropriate actions, including administrative actions. §93.215 The accused and any collaborators will be informed promptly, in writing, of the allegations, of the decision to initiate a formal investigation, and of the procedures that will be followed. The Committee shall give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time of deciding to pursue such new allegations not addressed during the inquiry or included in the initial notice of investigation. §93.310 (c)

The Committee is empowered to call for and examine all relevant documentation, including, but not limited to, research data and proposals, laboratory notebooks, grant applications, publications, correspondence, memoranda of telephone calls and computer data, files and programs. These materials may relate to any research with which the accused is involved. To the extent the University has not already done so at the allegation or inquiry stages, the Committee shall take all reasonable and practical steps to 1) obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, 2) inventory the records and evidence, and 3) 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 in evidentiary value to the data or evidence on the instruments. Whenever possible, the University shall take custody of the records (1) before or at the time the Committee notifies the respondent; and (2) promptly thereafter, whenever additional items become known or relevant to the investigation. § 93.310(d) The University shall, where appropriate, give the respondent copies of, or reasonable, supervised access to, the research record. § 93.305(b)

A first round of hearings will be conducted in which those who have brought the charges, those alleged to have committed research misconduct, and any others who might have knowledge relevant to the alleged misconduct will be interviewed individually in closed-door session. A transcription or recording of these interviews shall be prepared and given to each interviewed party for comment or revision, and included as part of the investigatory file. § 93.310(g) The Committee shall consider and address any comments of the respondent and complainant before issuing a final report. § 93.313(g) Comments by any interviewed party or the accused must be made within 30 days of receipt of the transcription recording. The Committee shall 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 the allegations. § 93.310(e) The Committee shall pursue diligently all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of additional instances of possible research misconduct, and continue the investigation to completion. §93.310(h)

At the conclusion of these hearings, the Committee will review the evidence and apprise all those who may bear some responsibility for the alleged misconduct of the results of the investigation to that point. These individuals will then be granted the right of rebuttal and the opportunity to present additional evidence to the Committee. Following this, the Committee may recall earlier witnesses for re-examination, call new witnesses, or close the investigative phase. In any case, before the Committee moves toward final deliberations, those bearing potential responsibility will always be given an opportunity to review and comment upon any new evidence uncovered subsequent to their last appearance before the Committee.

The Committee must complete all aspects of investigation 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 where required. If unable to complete the investigation in 120 days, the University must ask ORI for an extension in writing. §93.311(a)(b)

Committee Report and Recommendations

The Committee will evaluate all evidence and testimony in order to determine if the allegations of misconduct are substantiated and, if so, who must bear responsibility. Because of the negative impact of charges of misconduct, whether ultimately substantiated or not, on the research career of an individual, it is important that the Committee's final decision be rendered in clear terms. The University has the burden of proof to make a finding of research misconduct. The destruction,

absence of, or respondent's failure to provide research records adequately documenting the questioned research is evidence of research misconduct where the University establishes by a preponderance of the evidence that the respondent intentionally, knowingly, or recklessly had research records and failed to produce them in a timely manner and that the respondent's conduct constitutes a significant departure from accepted practices of the relevant research community. The respondent has the burden of going forward with and the burden of proving, by a preponderance of the evidence, any and all affirmative defenses raised. In determining whether the University has carried the burden of proof imposed by this part, the Committee shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent. The respondent has the burden of going forward with and proving by a preponderance of the evidence any mitigating factors that are relevant to a decision to impose administrative actions following a research misconduct proceeding. §93.106(b)

A finding of research misconduct made requires a determination by the Committee (by a five-sixths majority vote) that (a) There was a significant departure from accepted practices of the relevant research community; (b) The misconduct was committed intentionally, knowingly, or recklessly; and (c) The allegation was proven by a preponderance of the evidence. §93.104 Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not. § 93.219 If the Committee can not reach this conclusion, then it will report that the individual(s) under investigation have been exonerated. A minority report may be written which will be included in the report. The Committee may make other relevant recommendations for action to be taken by the University.

At the close of its investigation, the Committee will prepare a two-part written report, and make that report available for comment by the subjects of the investigation. The Committee will submit the report to the Provost, Dean of the School or College and the Vice Provost for Research. If they can be identified, the complainant(s) should be provided with those portions of the report that address their role and opinions in the investigation. The comments of the complainant, if any, must be submitted within 30 days of the date on which the complainant received the draft investigation report or relevant portions of it. §93.312(b)

The final institutional investigation report must be in writing and must: (a) Describe the nature of the allegations of research misconduct; (b) Describe and document the funding support, if any, including for example, any grant numbers, grant applications, contracts, and publications listing funding agency support; (c) Describe the specific allegations of research misconduct for consideration in the investigation; (d) If not already provided to ORI with the inquiry report, include the institutional policies and procedures under which the investigation was conducted; (e) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody but not reviewed; (f) For each separate allegation of research misconduct identified during the investigation, provide a finding as to whether research misconduct did or did not occur, and if so, (1) Identify whether the research misconduct was falsification, fabrication, or plagiarism, and if it was intentional, knowing, or in reckless disregard. (2) Summarize the facts and the analysis which support the conclusion and consider the merits of any reasonable explanation by the respondent; (3) Identify the specific funding agency support, if any, (4) Identify whether any publication needs correction or retraction; (5) Identify the person(s) responsible for the misconduct; and (6) For research involving

federal agency funding, list any current support or known applications or proposals for support that the respondent has pending with Federal agencies. (g) Include and consider any comments made by the respondent and complainant on the draft investigation report. The Committee must maintain and provide to ORI upon request all relevant research records and records of the institution's research misconduct proceeding, including results of all interviews and the transcripts or recordings of such interviews. §93.313

All recommendations of the Committee shall be considered as advisory to the dean of the school or college and the Provost, who shall be responsible for further action consistent with University policy. In principle, anyone found to have committed research misconduct should, in the absence of extenuating circumstances, be recommended for dismissal from the University. In the case of tenured faculty, this is consistent with initiation of termination for cause proceedings as a consequence of dishonesty in research as defined in the Faculty Manual. If it is found that misconduct was committed by a collaborator or other member of a research team, and the supervisor of the research is found to have failed to make reasonable and periodic inquiry as to the authenticity of the data, and if this inquiry would have been likely to prevent or uncover the fraudulent research, the supervisor should be recommended for appropriate sanction. The Provost will determine what sanctions and/or other corrective action will be taken in accordance with University policy and submit the report to any appropriate agencies.

If the Committee determines that the allegations of misconduct were made in bad faith, the Committee may recommend sanctions be imposed against those making bad faith allegations. This recommendation will be forwarded to the appropriate human resource department or to the Provost.

Notification During Inquiry or Investigation

The relevant governmental agency shall be notified by the Provost or designee when the institution determines that an investigation involving federally funded research is warranted. A determination of the need to inform other interested parties including the dean and the chair will also be made at this time. A determination as to whether other interested parties, such as collaborators, supervisors, and officials of sponsoring or funding agencies or institutions, shall be notified will normally be made only after a formal investigation is initiated.

The Provost or designee is responsible for immediately notifying the ORI if the Provost or designee ascertains at any stage of the inquiry or investigation of research misconduct involving federally sponsored research activities that there is reason to believe that any of the following conditions exist:

- (a) Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
- (b) HHS resources or interest are threatened.
- (c) Research activities should be suspended.
- (d) There is reasonable indication of possible violations of civil or criminal law.
- (e) Federal action is required to protect the interests of those involved in the research misconduct proceeding.

- (f) The research misconduct proceeding may be made public prematurely and HHS should be able to take appropriate steps to safeguard evidence and protect the rights of those involved.
- (g) The research community or public should be informed. §93.318

In such circumstances, consideration may be given to the advisability of notifying a funding agency as well.

For federally funded studies, the Vice Provost for Research will keep ORI apprised of any developments during the course of the investigation which disclose facts that may affect current or potential agency funding for the individual(s) under investigation or that the agency needs to know to ensure appropriate use of Federal funds and otherwise protect the public interest or as may be required by federal law or regulations.

Interim Action

If at any time during the formal investigation, the Committee feels that interim action by the administration is needed in order to safeguard the interests of any of the involved parties or funding agencies or to expedite the investigation, it may recommend appropriate measures to the Vice Provost. It will be the responsibility of the Vice Provost to consult regularly with the Committee during the investigation and to apprise funding agencies of any developments material to their interests, and take appropriate action to protect sponsoring agency funds.

Notification of Third Parties after Investigation

The Committee shall identify and advise the Vice Provost for Research of all parties who should be notified of its findings; these may include the Faculty Senate, editors of journals or officers of societies where research papers or abstracts related to the research have appeared or are pending, and the officials of current or past granting agencies involved in funding or otherwise sponsoring any compromised research. The Vice Provost for Research shall notify the Institutional Review Board or Institutional Animal Care and Use Committee where appropriate. The Committee may also recommend actions concerning the release of information regarding the incident to the media and corrective actions to prevent further instances of misconduct in light of the experience gained from the investigation.

For research involving PHS funding, the Vice Provost for Research shall provide the ORI with a copy of the investigative report, including all attachments; a statement of whether the University found research misconduct and if so, who committed the misconduct; a statement whether the University accepts the Committee's findings; and a description of any pending or completed administrative actions against the respondent. § 93.315

If the charges of misconduct are not substantiated, those under investigation shall be so notified in writing, and the University shall undertake diligent efforts to ensure that the reputations of those involved are restored as fully as possible. This may require, with approval of the accused, notification of collaborators, granting agencies, and any others who might have become aware of the

investigation.

The University agrees to cooperate fully with ORI during its oversight review or any subsequent administrative hearings or appeals as may be authorized by federal regulations. This includes providing all research records and evidence under the institution's control, custody, or possession and access to all persons within its authority necessary to develop a complete record of relevant evidence.
§ 93.304(m)

Dissemination of This Statement of Policies and Procedures

This document shall be distributed to each faculty member on initial appointment and the faculty at large shall be notified through posting on the University website and through appropriate University list servers whenever changes are made.