

Policy 2205
Research and Scholarship Misconduct

Date of Current Version: September 2016

Responsible Office: Provost and Senior Vice President for Academic Affairs

Secondary Office: Vice Provost for Research and Scholarship

1. PURPOSE

The university fosters an academic environment that promotes the responsible conduct of scholarship, research, research training and activities related to scholarship, research and research training. Research and scholarship are at the heart of the university's function, and dishonesty in research or scholarship destroys the integrity of the university's academic mission. The purpose of this policy is to safeguard that mission and to establish procedures to evaluate, investigate and respond to allegations of research and scholarship misconduct; to protect the health and safety of the public; to promote the integrity of research, research training and scholarship conducted at the university; and to protect federal, state, and university funds and equipment used in research, research training and other scholarly work.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 23-164.6; 23-9.2:3. The board has delegated the authority to manage the university to the president. The president has given the Provost and Senior Vice President for Academic Affairs the responsibility and the authority to establish policy regarding research and research activities.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The university and its faculty receive funding for research and other scholarly work from federal agencies, the Commonwealth of Virginia and private sources. The Federal Policy on Research Misconduct, 65 Fed. Reg. 76260, applies to federally-funded research and proposals submitted to federal agencies for research funding. Federal law mandates reporting and responding to allegations of research misconduct, depending on the type of research and the source of funds.

3. DEFINITIONS

Complainant

Any person who makes an allegation of research or scholarship misconduct.

Fabrication

Making up facts, data or results and recording or reporting them, including the omission of critical data or results, manipulation of research data and processes in order to reflect or prevent a certain result, and making claims which cannot be substantiated.

Falsification

Manipulating information, research materials, equipment, or processes, or changing or omitting information, data or results such that the research or scholarly work is not accurately represented in the research record.

Financial Conflict of Interest

A financial interest that is related to proposed university research (i.e., the interest reasonably appears to be affected by the research or is in an entity whose financial interest reasonably appears to be affected by the research) and that could directly and significantly affect the design, conduct or reporting of research.

Inquiry

An assessment of whether the allegation has substance and whether an investigation is warranted.

Investigation

The formal development of a factual record and the examination of that record leading to dismissal of the case or to a recommendation for finding of research misconduct or other appropriate remedies.

Other Ethics Violations

Violation of ethical standards regarding human and animal experiments, misappropriation of data, financial fraud involving research or scholarship, conflicts of interest in research or scholarship (including failure to disclose such conflicts), failure to publish significant findings due to the results being adverse to the interests of the researcher or his/her sponsor(s), or health and safety violations regarding research. The destruction, absence of or failure to provide scholarship and research records that adequately document the questioned research is an ethical violation where the respondent intentionally, knowingly, or recklessly destroys scholarship or research records, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner.

Plagiarism

The appropriation of another person's ideas, processes, results or words without giving appropriate credit, including self-plagiarism (multiple publications of the same content with different titles and/or in different journals).

Research

A systematic experiment, study, evaluation, demonstration or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research) by establishing, discovering, developing, elucidating or confirming information about, or the underlying mechanism relating to, matters to be studied.

Research and/or Scholarship Misconduct

The violation of the standards and/or codes of scholarly conduct and ethical behavior in professional, scientific, and other research and scholarship. It includes dishonesty in all forms, including fabrication, falsification, plagiarism and other ethics violations (as defined above) in proposing, performing or reviewing scholarship and research, or in reporting results of scholarship and research. It does not include honest error or differences of opinion.

Research Compliance Officer (RCO)

The Director of the Office of Research Integrity serves as the RCO for the university.

Research Record

The record of data or results that embody the facts resulting from scientific or scholarly 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 related documents and materials which may be provided by the Respondent during the course of the research misconduct proceeding.

Respondent

The person against whom an allegation of research misconduct is made and who is the subject of a research or scholarly misconduct proceeding.

Scholarship or Scholarly Work

Work done in pursuit of knowledge in academic and scholarly fields by faculty, staff, students, and others at the university, encompassing not only formal research, but all avenues for the open-ended and unfettered activity of inquiry and debate.

4. APPLICABILITY

This policy applies to faculty, staff, students, and others at the university engaged in scholarship, research, research training, and activities related to scholarship, research or research training, whether funded or not, and regardless of the funding source. It applies to all researchers and scholars, including sub-recipients of all grants and awards.

This policy applies to all scholarship, research, research training and activities related thereto conducted at the university or by any member of the university community, including research applications or proposals for funding of scholarship or research, research training, and activities related thereto. It also applies to any research proposed, performed, reviewed or reported, or any research record generated from that research, regardless of whether an application or proposal for funding resulted in a grant, contract, cooperative agreement, memorandum of understanding or other form of support.

5. POLICY

Research and scholarship misconduct is prohibited in all scholarly activities at the university, including scholarship, research, research training and research related activities. All members of the university community engaged in scholarship, research, research training or activities related to research and research training at the university must abide by the laws, rules, policies and regulations that regulate scholarship, research and related activities. Failure to abide by such laws, rules, policies and regulations constitutes misconduct and is sanctionable.

University employees are expected to conduct themselves with integrity in all aspects of their professional lives. Faculty members and staff should report any suspected plagiarism or other academic dishonesty by a colleague in accordance with this policy. In addition, University Policy [1603](#) requires university employees and students to report suspected irregularities or possible fraudulent transactions to Audit and Management Services.

The university shall promptly respond to all allegations or evidence of possible scholarship or research misconduct according to this policy and shall report, as required by law, any investigation and finding of research misconduct.

Faculty, staff, students and all other members of the university community, including respondents, complainants, and witnesses, shall cooperate in the proceedings, including, but not limited to, being present as requested during any hearings and providing relevant and truthful information, records and testimony.

6. PROCEDURES

6.1 Allegations of Scholarship or Research Misconduct

- a. **Allegations of Scholarship or Research Misconduct.** Any person may make a good faith allegation of possible scholarship or research misconduct committed by a member of the university community or by an individual conducting scholarship or research at the university. Oral allegations may be made to the Research Compliance Hotline (87025), but the university shall only be obligated to pursue official written allegations. Anonymous allegations will generally not be pursued.
- b. **Timeliness.** An allegation of scholarship or research misconduct that occurred more than one year in the past will generally not result in the university's investigation of the allegation, although exceptions may be made in appropriate circumstances.
- c. **Official Allegations.** An official allegation requires a written submission to an appropriate authority at the university. An allegation of scholarship or research misconduct against a student should be addressed to the Honor Council (plagiarism) or the Office of Student Accountability and Restorative Practices (other misconduct). An allegation of scholarship or research misconduct against a faculty or staff member should be addressed to the respondent's supervisor, dean, vice provost, associate vice president or the RCO, as appropriate. An allegation of scholarship or research misconduct against any other person engaged in scholarship or research at the university should be addressed to the RCO.

6.2 Scholarship or Research Misconduct Proceeding

- a. **Responsibilities for Official Allegations.** Any university official receiving an allegation of scholarship or research misconduct shall within five days of its receipt notify the RCO and forward any written allegation to the RCO, who shall deliver a copy of the written allegation to the dean/associate vice president over the area of research. If there is more than one college or department involved in the research, then the deans of those colleges/associate vice presidents for those areas shall jointly decide which of them shall be responsible for determining if an investigation is warranted. If an agreement is not reached, the Vice Provost for Research and Scholarship (VPRS) shall determine which dean/associate vice president shall serve in this capacity.
- b. **Notices.** Notice that a formal allegation of scholarship or research misconduct has been filed will be sent by the dean/associate vice president to the respondent, with copies to the RCO and the VPRS. The dean/associate vice president may determine whether to provide the respondent with a copy of the written allegation or instead to summarize the allegations made against him/her.
- c. **Rights of the Complainant.** The complainant does not have any right to information about the outcome or proceedings under this policy. The dean/associate vice president is not required to, but is allowed, to notify the complainant about the decision on whether an investigation will be conducted. The notice may include relevant portions of the Inquiry report.
- d. **Custody of Records.** Before the date on which the respondent is notified by the RCO of the allegations, the dean/associate vice president shall take all reasonable and practical

steps to obtain custody of all known scholarship or research records and evidence needed to conduct the Inquiry, inventory the records and evidence, and hold them in a secure manner to be available for the scholarship and research misconduct proceedings. Where the scholarship or research records or evidence encompass scientific or other 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 dean/associate vice president shall retain custody of all records and evidence collected during the inquiry and any investigation. During the proceedings, the respondent shall have the right to receive copies of or reasonable supervised access to the scholarship and research records.

- e. **Inquiry.** A preliminary information-gathering and fact-finding process shall be conducted by the dean/associate vice president to assess whether the allegation has sufficient substance to warrant an Investigation. The dean/associate vice president may appoint an inquiry committee to assist him/her with gathering information. This inquiry committee may be comprised at the college or university level. A full review of the evidence related to the allegation is not required at this stage. The dean/associate vice president may seek information from the respondent concerning the allegation before making his/her decision about the Investigation, but is not required to do so.
- f. **Circumstances Warranting an Investigation.** A formal Investigation is warranted if there is a reasonable basis for concluding that the allegation falls within the definition of scholarship or research misconduct under the "Definitions" section of this policy, and the information compiled during the Inquiry indicates that the information is sufficiently credible and specific to show that scholarship or research misconduct has likely occurred.
- g. **Completion of Inquiry.** The inquiry must be completed within 60 calendar days of its initiation, unless circumstances warrant a longer period, in which case the inquiry record must include documentation of the reasons for exceeding the 60-day period.
- h. **Closing of Inquiry by Dean/Associate Vice President.** If the dean/associate vice president does not find sufficient evidence to warrant an investigation, the dean/associate vice president shall make a report to the RCO. The RCO will notify the respondent, the dean/associate vice president and the VPRS that the inquiry will be closed. The dean/associate vice president shall sufficiently document his/her decision not to proceed to an Investigation and shall submit all records of the allegation and Inquiry stages to the RCO to maintain in accordance with Section 6.9 below. If the RCO agrees with the dean's/associate vice president's decision and closes the inquiry, no report of scholarship or research misconduct need be made to any sponsoring entity; however, if the RCO determines that the dean's/associate vice president's finding is inappropriate, he/she shall report to the VPRS the reasons for that determination and ask the VPRS to determine whether a formal Investigation should be commenced. The VPRS will then decide whether to appoint a committee to conduct a formal investigation within ten business days following receipt of the RCO report. The decision of the VPRS concerning whether to commence a formal Investigation is final.

- i. **Referral of Inquiry to Investigation.** If the dean/associate vice president finds that there is sufficient evidence to warrant an investigation, the dean/associate vice president will forward a recommendation to the RCO to commence an investigation, with a copy to the VPRS. The written report from the dean after the Inquiry shall include the following information:
 - The name and position of the respondent
 - A description of the allegations of research misconduct
 - The funding support, including, for example, grant numbers, grant applications, contracts and publications listing such support
 - The basis for recommending that the alleged actions warrant an investigation
- j. **Notice to Respondent.** The dean/associate vice president shall give written notice to the respondent if he/she finds that an investigation is warranted. The notice shall include a copy of the final inquiry report along with a copy of this policy. In those cases where Public Health Service funding is involved, the notice shall also include either a copy of, or reference to 42 CFR Part 93. The Respondent shall have ten business days from receipt of the written notice to submit comments.
- k. **Comments to Vice Provost for Research and Scholarship.** Any written comments received from the respondent will be forwarded to the RCO and the VPRS, and will be shared with the Hearing Committee when it is convened.
- l. **Report of Initiation of Investigation.** The RCO shall notify any applicable federal agency funding the affected research of the decision to begin an investigation within 30 days from the date of the dean's/associate vice president's finding that an investigation is warranted. The notice shall include a copy of the report by the dean/associate vice president, including any comments by the respondent. Upon request, the RCO shall provide the federal agency with a copy of this policy; the scholarship or research records and evidence reviewed, transcripts or recordings of any interviews, copies of all relevant documents, and the charges to be considered. The federal agency shall be notified of any special circumstances that may exist.
- m. **Convening a Hearing Committee.** If the dean/associate vice president recommends an investigation, or if the VPRS determines that an investigation should be commenced, the RCO, with input from the dean/associate vice president, shall appoint a Hearing Committee to investigate the charges and hold a hearing. The appointment shall be made within ten business days from the dean's/associate vice president's or VPRS's decision to conduct a formal Investigation.
- n. **Committee Membership.** The RCO shall make every effort to appoint persons with appropriate knowledge and expertise to the Hearing Committee and shall ensure that anyone appointed to the Hearing Committee does not have personal, professional or financial conflict of interests or close relationships with the person who filed the allegation, the Respondent or any likely witnesses. The Hearing Committee should be composed of such persons whom the RCO may choose to designate to serve, provided that at least two members are from outside the respondent's academic unit/department. It is desirable that an appropriate associate or assistant dean and at least two tenured faculty members of the college involved be appointed to the Hearing Committee, but this

is not a formal requirement. The Hearing Committee may be given access to consultants with expertise or knowledge in the area of scholarship or research under investigation.

- o. **Custody of Records.** The dean/associate vice president shall turn over custody of all scholarship and research records and evidence in his/her possession to the Hearing Committee prior to the start of the investigation. The Hearing Committee shall take custody, inventory and secure those items and during the course of the investigation any additional scholarship or research records or evidence that become known or relevant to the Investigation. Where the research records or evidence encompass scientific or other 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.
- p. **Hearing Committee Meeting.** The Hearing Committee shall meet within ten business days of being appointed to elect a chair, and the chair shall contact the RCO within three business days of the election, so that a date for the investigation hearing can be scheduled. After consulting with the dean/associate vice president and the Hearing Committee chair, the RCO shall set the schedule for the Investigation, including the date of the hearing, and shall notify the respondent.
- q. **Hearing Committee Charge.** The Hearing Committee shall accomplish the formal development of a factual record, and the examination of that record leading to a recommendation concerning the alleged scholarship or research misconduct, which may include a recommendation for corrective action or other appropriate actions.
- r. **Time Period for Initiating the Investigation.** The Hearing Committee shall begin the investigation no later than 30 days after its initial meeting.
- s. **Hearing Committee's Duty.** The Hearing Committee shall fairly and impartially conduct a thorough review of all scholarship and research records and evidence. The Hearing Committee shall diligently pursue all relevant significant issues and leads, including evidence of additional instances of possible scholarship or research misconduct, in determining by a preponderance of the evidence whether the Respondent committed scholarship or research misconduct.
- t. **Respondent's Burden of Proof.** The respondent shall have the burden of proving, by a preponderance of the evidence, any and all affirmative defenses or mitigating factors concerning the alleged misconduct. The Hearing Committee shall give due consideration to admissible, credible evidence of honest error or difference of opinion presented by the respondent.
- u. **Respondent's Right to Legal Counsel.** The respondent shall have the right to have legal counsel present during his/her testimony before the Hearing Committee. Legal counsel shall not have the right to cross-examine witnesses nor to address the Hearing Committee.

- v. **Testimony.** The Hearing Committee shall receive testimony from the respondent and may receive testimony from the person alleging the misconduct and any other available persons who have been identified as having relevant information, including persons identified by the respondent. Testimony shall be recorded or transcribed. The recording or transcript shall be included in the record of the Investigation and be considered a part of the record.
- w. **Contact with Dean/Associate Vice President and RCO.** The Hearing Committee shall keep the dean/associate vice president and RCO apprised of any developments during the course of the investigation which disclose facts that may affect current or potential agency funding for the respondent or that the funding agency needs to know to ensure appropriate use of federal funds and to otherwise protect the public interest. The RCO shall notify the funding agency, as may be required by law.
- x. **Criteria for Finding of Research Misconduct.** To support a finding of scholarship or research misconduct, the Hearing Committee must find by a preponderance of the evidence that:
- The conduct fits the definition of scholarship or research misconduct,
 - It was significant and departed from accepted practices of the relevant scholarship or research community, and
 - The misconduct was committed by the respondent intentionally, knowingly or recklessly.
- y. **Time Period for Completing the Investigation.** The Hearing Committee shall complete all aspects of the investigation within 120 days from the date of initiating the investigation, which includes conducting the investigation, preparing the report of findings, providing the draft report to and obtaining comments from the respondent, and sending the final report to any applicable federal agency. If federal funding is involved and the Hearing Committee determines that the investigation and related activities will not be complete within the 120 day period, it shall notify the RCO no later than 85 days after the start of the investigation. The RCO shall immediately submit a written request to the applicable federal agency requesting an extension. The RCO shall notify the Hearing Committee of the federal agency's response.
- z. **New Charges.** The respondent shall be given prompt notice of any new allegations of scholarship or research misconduct that arise during the investigation which were not addressed during the inquiry or included within the initial notice of Investigation.
- aa. **The Hearing Committee shall deliberate** in private, and shall prepare a written draft investigation report, which shall include the following information:
- A copy of the initial allegation of scholarship or research misconduct.
 - A description of the source of any funding, including, for example, any grant numbers, grant applications, contracts and publications listing funding support.
 - A description of the specific allegations of scholarship or research misconduct considered during the investigation.
 - A copy of this policy.

- A list or summary of scholarship or research records and evidence reviewed, as well as a list of records and evidence taken into custody, but not reviewed.
- Findings concerning whether scholarship or research misconduct did or did not occur for each separate allegation of misconduct considered during the investigation. For each finding of scholarship or research misconduct:
 - identify whether it was falsification, fabrication, plagiarism or some other form of misconduct.
 - identify whether it was intentional, knowing or reckless.
 - summarize the facts and analysis which support the conclusion.
 - address the merits of any explanation or mitigating factors brought up by the Respondent.
 - identify any specific funding support.
 - identify whether any publications need correction or retraction.
 - identify the person(s) responsible for the misconduct.
 - recommend any appropriate corrective action.
 - list any other funding support or known applications or proposals for support that the respondent has pending with any federal, state or private sponsor.

bb. **Comments by Respondent.** The respondent shall be given a copy of the draft investigation report, along with a copy of (or supervised access to), the records and evidence on which the report is based. The respondent shall have 30 days from date of receipt of or access to the report to submit any comments to the Hearing Committee.

cc. **Final Report.** After the Hearing Committee has received any comments from the respondent, it shall issue its final report, which shall contain all of the information outlined above, any written comments received from the respondent within the time period set forth above, and the Hearing Committee's consideration of and response to any comments received from the respondent. A copy of the final report shall be given to the respondent and the RCO, redacting identities of any research subjects. A copy of the final report shall also be given to the dean/associate vice president.

dd. **Federal Agency Notice.** The RCO will send notice to the applicable federal agency that funds or has oversight of the scholarship or research activity involved in the proceedings, including the final report and actions taken by the university related to the proceedings.

6.3 Confidentiality

- a. **Identity of Participants in Research Misconduct Proceedings.** Disclosure of the identity of respondents, individuals filing an allegation of scholarship or research misconduct and witnesses involved in the proceedings will be limited to those individuals who have a legitimate need to know to carry out their functions, to the extent possible consistent with a thorough, competent, objective and fair proceeding, and as allowed or required by law.
- b. **Records and Evidence.** Except as otherwise required by law, confidentiality shall be maintained for all records and evidence from which scholarship or research subjects might be identified. Disclosure of such information is limited to those who have a

legitimate need to know to carry out a scholarship or research misconduct proceeding, or to perform other job duties.

6.4 Safeguards

- a. The rights, privacy, positions and reputations of all parties involved in the scholarship and research misconduct proceedings shall be protected to the extent possible.
- b. Reasonable and practical efforts shall be taken to mitigate any effect on the reputation of a respondent when there is no finding of scholarship or research misconduct.
- c. Reasonable and practical efforts shall be taken to protect any person making an allegation, a witness or a committee member. Retaliation against any individual for alleging scholarship or research misconduct or participating in the procedures herein shall constitute a form of misconduct, and may result in sanctions separate and not dependent on the outcome of any procedures hereunder.
- d. Failure to act in good faith in bringing an allegation of scholarship or research misconduct, in cooperating during the research misconduct proceedings (i.e., providing evidence) or in serving as a member of the Hearing Committee shall constitute a form of misconduct, and may result in sanctions separate and not dependent on the outcome of any procedures hereunder. An allegation or testimony in a scholarship or research misconduct proceeding is not in good faith if made with knowing or reckless disregard for the truth or if the person knowingly withholds information that would negate the allegation or testimony. A committee member does not act in good faith if his/her acts or omissions on the committee are dishonest or influenced by personal, professional or financial conflicts of interest with those involved in the scholarship or research misconduct proceeding.

6.5 Notice Provisions

- a. **Mandatory Notice to Federal Agency during Initial Allegation/Inquiry or Investigation.** At any time during a research misconduct proceeding, the RCO shall immediately notify a relevant federal agency of the proceeding if he/she has reason to believe that:
 - Research activities should be suspended.
 - Health or safety of the public is at risk, including an immediate need to protect human or animal subjects.
 - Federal agency resources or interests are threatened.
 - Federal action is required to protect the interests of those involved in the research misconduct proceeding.
 - The research community or public should be informed.
 - There is reasonable indication of possible violations of civil or criminal law.
 - The research misconduct proceedings may be made public prematurely so that the appropriate federal agency can take appropriate steps to safeguard evidence and protect the rights of those involved.

In such an instance, the RCO will seek advice from the dean of the college/associate vice president of the area in which the research misconduct allegedly took place and

shall report the situation to the VPRS. If the VPRS agrees that notice is required before the conclusion of the proceedings, the RCO shall notify the appropriate federal agencies.

- b. Notice to Non-Federally Funded Entities. At any time during the scholarship or research misconduct proceeding, a non-federal entity funding the activity shall be notified, if required by the funding agreement. The dean of the college/associate vice president of the area in which the research misconduct allegedly took place shall notify the RCO, who shall notify the VPRS. If the VPRS agrees, the RCO shall notify the funding entity.

6.6 Institutional Actions

- a. Finding of Research Misconduct. If the Hearing Committee finds that the respondent committed scholarship or research misconduct, the recommendations of the Hearing Committee contained in the final report may be implemented and the following actions, whether or not they are recommended by the Hearing Committee in its final report, may be taken:
 - Restitution of funding as appropriate, or if required by the funding agency or contract.
 - Withdrawal of abstracts and papers emanating from the scholarship or research, and notification of editors of journals and publications that published previous abstracts and papers concerning the scholarship or research, if the Hearing Committee concludes that the scholarship or research misconduct makes such abstracts and papers of questionable validity. The dean is authorized to direct such actions if the respondent fails to do so within 30 days following the finding of misconduct and the submission of final report.
 - Appropriate action (including interim administrative actions) to terminate or alter the status of the respondent, or to impose other sanctions deemed appropriate under the circumstances.
 - The dean/associate vice president, the VPRS, the provost and the president of the university shall consider, in consultation with University Counsel, release of information about the scholarship or research misconduct to the public and/or press, particularly where public funds were used in support of the scholarship or research affected by the misconduct.
- b. No Findings of Research Misconduct. If the Hearing Committee finds that there was no scholarship or research misconduct, any necessary efforts shall be undertaken to restore the position and reputation of the respondent.

6.7 Cooperation with Federal Agencies

The university shall cooperate with any federal agency during its oversight review or administrative hearings or appeals related to any allegation of scholarship or research misconduct, including, but not limited to providing all scholarship and research records and evidence in the control, custody or possession of the university, and access to all faculty, staff and students involved in the incident.

6.8 Notices

- a. Notice to Applicable Funding Agencies of Findings and Actions. The RCO shall be responsible for giving notice to the applicable federal agency funding the scholarship or research which is the subject of the Investigation once it is complete. The notice shall be sent within three business days after the final report is issued and shall include:
 - A copy of the final investigative report and all attachments (redacting identities of research subjects, as applicable).
 - A statement of whether or not scholarship or research misconduct was found, and if so, who committed the misconduct.
 - Whether the university accepts the Hearing Committee's findings.
 - A description of any pending or completed institutional actions taken against the respondent.
- b. Other Notices to Applicable Funding Agencies. The RCO shall notify the applicable funding agencies, in advance, if it plans to close a scholarship or research misconduct proceeding at the Inquiry or Investigation stage on the basis that the respondent has admitted guilt, the respondent has agreed to settle the case, or for any other reason other than the closing of the case during the Inquiry stage on the basis that an investigation is not warranted.

6.9 Maintenance of Research Records and Evidence Related to Research Misconduct Proceedings

- a. Maintenance of Records of Research Misconduct Proceedings. Unless custody has been transferred to the applicable federal agency or the federal agency has advised, in writing, that the information no longer needs to be retained, the following records of research misconduct proceedings shall be maintained for seven years after completion of the internal research misconduct proceeding or any federal agency proceeding involving the research misconduct, whichever is longer:
 - The records secured for the research inquiry and investigation, except to the extent it is subsequently determined that those records are not relevant to the inquiry or investigation or that the records duplicate other records that are being retained.
 - The documentation of the determination of irrelevant or duplicate records.
 - The inquiry report and final documents (not drafts) produced in the course of preparing the inquiry report, including the documentation of any decision not to investigate.
 - The investigation report and all records (other than drafts of the report) in support of the investigation report, including the recordings or transcriptions of each interview conducted during the investigation stage.
 - At the appropriate time, research records and evidence should be disposed of in accordance with Policy [1109](#) – Records Management.
- b. Transfer of Records to Federal Agency. Upon request of the applicable federal agency, the Research Compliance Officer shall transfer custody, or provide copies of, all

institutional records relevant to a research misconduct allegation, including research records and evidence, to the requesting federal agency.

7. RESPONSIBILITIES

The dean of the affected college/associate vice president of the affected area is responsible for administering this policy when there is an allegation of research misconduct. The dean/associate vice president shall report any final action taken under this policy to the VPRS, the provost, University Counsel and the Research Compliance Officer.

The Research Compliance Officer is responsible for administering this policy when there is an allegation of research misconduct.

8. SANCTIONS

Any individual who engages in research or scholarly misconduct may be subject to sanctions, up to and including dismissal from employment, expulsion from the university or loss of academic privileges. Failure to follow these procedures may result in appropriate sanctions, up to and including termination of employment for employees, expulsion for students or loss of university privileges for others.

9. EXCLUSIONS

There are no exclusions to this policy.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the Provost and Senior Vice President for Academic Affairs.

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