RESEARCH MISCONDUCT POLICY

1.0 INTRODUCTION
The University of Wisconsin-Stout recognizes that honesty is an essential component of scholarly activity. Chapter 8 of the Wisconsin Administrative Code, the Unclassified Staff Code of Ethics, states that: “Every member of the unclassified staff at the time of appointment makes a personal commitment to professional honesty and integrity, to seek knowledge and to share that knowledge freely with others.” [UWS 8.01 (1)]. This level of honesty and integrity must meet the demanding standards of the state and national academic communities. This policy addresses situations where standards may not have been upheld. Failure to meet these standards can be cause for discipline, dismissal, or criminal prosecution.

References to other policies:
- UWS 4.02
- UWS 8.01
- UWS 11.02
- UWS F16
- Wisconsin Statute section 230.80(8) et seq.
- Federal Register 42 CFR
- UW-Stout unclassified handbook
- UWS 7
- UWS 9

2.0 DEFINITIONS
2.1 Misconduct. Research misconduct includes the fabrication, falsification, misrepresentation, or arbitrary selection of data or research procedures; plagiarism including self-plagiarism (e.g., publishing the same work in multiple scholarly journals without receiving permission to do so); violations of requirements for the protection of human or animal research subjects; failure to comply with funding agency requirements; or other practices that seriously deviate from commonly accepted activities within the research community for proposing, conducting, reporting, or reviewing research. It does not include unintentional error or honest differences in interpretations or judgments about data.

2.2 Research Integrity Officer (RIO). The Research Administrator or his/her designee serves in this capacity at the University of Wisconsin-Stout. The RIO is responsible for (1) assessing allegations to determine if they fall within the definition of research misconduct and warrant an inquiry; (2) overseeing inquiries and investigations; (3) submitting reports and recommendations to the Deciding Official; and (4) maintaining records of all proceedings. The RIO is also
responsible for ensuring respect for the sensitive nature of research demands, those who are accused of misconduct, and those who report misconduct in apparent good faith. At any time during this process, the RIO is encouraged to consult with the University of Wisconsin Office of General Counsel. The RIO is also encouraged to contact the sponsoring funding agency early in the inquiry process.

2.3 **Deciding Official.** Acting on the recommendations of the inquiry and investigation committees, the Chancellor or his/her designee is the institutional official who makes final determinations on allegations of research misconduct and any institutional administrative actions at UW-Stout. The Deciding Official (DO) will not be the same individual as the RIO and should have no direct prior involvement in the institution’s inquiry, investigation, or allegation assessment.

2.4 **Complainant.** Any person who makes an allegation of research misconduct. The complainant is responsible for making allegations in good faith, maintaining confidentiality, and cooperating with the inquiry and investigation. Good practice dictates that the complainant may be interviewed at the inquiry stage and given the transcript or recording of the interview for correction. During the investigation, the complainant must be interviewed and be given the transcript or recording of the interview for correction. There can be more than one complainant in any inquiry or investigation.

2.5 **Respondent.** The faculty or academic staff member against whom allegations of research misconduct are directed. The respondent is responsible for maintaining confidentiality, refraining from retaliation of any kind, and cooperating with the conduct of an inquiry and investigation. There can be more than one respondent in any inquiry or investigation.

2.6 **Retaliation.** Retaliation includes behaviors or actions taken in response to allegations of misconduct that are meant to harm the complainant or the respondent. Retaliation of any kind against a person who reported or provided information about suspected or alleged misconduct and who has acted in good faith will be dealt with in accordance with other university policies.

2.7 **Inquiry.** An inquiry is a confidential preliminary gathering of information to determine whether an allegation warrants further investigation.

2.8 **Investigation.** An investigation is a formal examination and evaluation of all relevant facts to determine if misconduct has occurred.

2.9 **Confidentiality.** To protect the reputation of an innocent party, the procedures outlined below will preserve the maximum level of confidentiality. Knowledge and disclosure of information about the identity of the complainant and the respondent and the subject of the inquiry and investigation is limited to those who need to know for administering this policy and procedure. Records maintained
during the course of these proceedings will be exempt from disclosure except to the extent required by law.

2.10 **Designated Recipients.** Recipients of the outcomes of an inquiry or subsequent investigation include the Chancellor, appropriate division administrator, (e.g. Provost, Vice Chancellor), and Dean of the appropriate College, principal investigator and co-principal investigator in cases where they are not named as either complainant or respondent, and any relevant funding agencies upon conclusion of an investigation (if applicable).

2.11 **Working Days.** All references to timelines in this document refer to working days. Working days are defined as Monday through Friday, except for federal holidays where the university is closed.

3.0 **STATEMENT OF POLICY**

UW-Stout requires high academic standards and therefore does not tolerate research misconduct. This policy outlines procedures to identify and investigate allegations of academic dishonesty from faculty and academic staff, and determine subsequent actions while protecting the rights and reputations of all parties involved. The goal is to achieve a rapid and equitable resolution of all charges and to assure that all parties are treated fairly. This policy does not supersede government policies, criminal or civil law.

4.0 **CRITERIA**

4.1 The respondent is entitled to:

4.1.1 Notification in writing from the RIO that an inquiry is being initiated. The respondent will also receive a copy of the institution’s policies and procedures on research misconduct upon initiation of an inquiry;

4.1.2 An opportunity to comment in writing on the inquiry report and have these comments appended to the report;

4.1.3 Notification of the outcome of the inquiry, and receive a copy of the inquiry report;

4.1.4 Notification in writing of the allegations if an inquiry proceeds to an investigation and be notified in writing of any new allegations within a reasonable time;

4.1.5 An interview during the investigation, have the opportunity to correct the recording or transcript, and have the corrected recording or transcript included in the record of the investigation;

4.1.6 Have interviewed during the investigation any witness who has relevant information, have the recording or transcript provided to the witness for
correction, and have the corrected recording or transcript included in the record of investigation;

4.1.7 An opportunity to comment in writing on the investigation report and have these comments appended to the report,

4.1.8 Supervised access to the evidence on which the report is based;

4.1.9 The opportunity of proving by a preponderance of the evidence any defenses raised, including honest error or difference of opinion;

4.1.10 Appeal of the DO’s decision to an appropriate university committee in accordance with other university policies (see section 8.0 for more information about appeals); and

4.1.11 Be given the opportunity to admit that research misconduct occurred and that he/she committed the research misconduct. With the advice of the RIO and/or other institutional officials, the DO may terminate the institution’s review of an allegation that has been admitted if the institution’s acceptance of the admission and any proposed settlement is approved by the funding agency.

4.2 Exceptions-Misuse of Funds. Misuse by a researcher of university funds (including grant and contractual funding from extramural funding agencies) is cause for discipline or dismissal and may be cause for criminal prosecution. However, allegations of misuse of funds are not within the scope of this policy. Such allegations are covered under UW System policy F16.

4.3 Exceptions-Human and Animal Research Subjects. Violations of institutional procedures or federal regulations regarding the protection of human or animal research subjects should promptly be referred to the chair of either the Institutional Review Board or the Institutional Animal Care and Use Committee for allegations of human and animal subjects violations, respectively. After consultation with the RIO, the appropriate chair may initiate an inquiry and investigation as described in this policy.

4.4 Notification of Chancellor and Federal Granting Agencies. Throughout the research misconduct proceeding, the RIO will review the situation to determine if any of the following conditions exist: (1) health or safety of the public is at risk, including an immediate need to protect human or animal subjects; (2) research activities should be suspended; (3) there is a reasonable indication of possible violations of civil or criminal law; (4) federal action is required to protect the interests of those involved in the research misconduct proceeding; (5) the research misconduct proceeding may be made public prematurely and federal action may be necessary to safeguard evidence and protect the rights of those involved; or (6) the research community or the public should be informed. In the event of any
such threat, the RIO will, in consultation with other institutional officials and the appropriate federal granting agency, take appropriate interim action. Interim action might include monitoring of the research process and the handling of federal funds and equipment, reassignment of personnel or of the responsibility for the handling of federal funds and equipment, additional review of research data and results, or delaying publication.

4.5 **Time Limits.** Allegations based on conduct that occurred seven or more years prior to making the allegation will not be considered under this policy unless circumstances indicate that the alleged misconduct was not discoverable earlier.

5.0 **GUIDELINES FOR IMPLEMENTATION**

5.1 **Initial Allegations.** All institutional members will report observed, suspected, or apparent research misconduct to the RIO. Any suspected research misconduct reported to other members (e.g. immediate supervisors, department chairs, deans) should be immediately referred to the RIO. If an individual is unsure whether a suspected incident falls within the definition of research misconduct, he or she may meet with or contact the RIO at the Research Services Office to discuss the suspected research misconduct informally, which may include discussing it anonymously and/or hypothetically. If the circumstances described by the individual do not meet the definition of research misconduct, the RIO will refer the individual or allegation to other offices or officials with responsibility for resolving the problem.

5.2 **Assessing the Allegations.** Upon receiving the allegation of research misconduct, the RIO will immediately assess the allegation to determine whether it is sufficiently credible and specific so that potential evidence of research misconduct may be identified, whether it is within the jurisdictional criteria, and whether the allegation falls within the definition of research misconduct. An inquiry must be conducted if these criteria are met.

The assessment period should be brief, preferably concluded within a week. In conducting the assessment, the RIO need not interview the complainant, respondent, or other witnesses, or gather data beyond any that may have been submitted with the allegation, except as necessary to determine whether the allegation is sufficiently credible and specific so that potential evidence of research misconduct may be identified. Any determination that the complaint is not a serious allegation of research misconduct will be transmitted promptly to the Chancellor along with supporting documentation for reaching such a decision. If the RIO determines the complaint is worthy of further investigation, an inquiry will be initiated immediately.

5.3 **Anonymous Complaints.** Allegations from an anonymous complainant will not be treated as a formal allegation. However, anonymous allegations may be the basis for the immediate supervisor to file an allegation. The university will make every effort to protect the privacy of the complainant. If an inquiry is required,
fairness may necessitate revealing the identity of the complainant to the respondent.

5.4 **Initiation and Purpose of an Inquiry.** The purpose of the inquiry is to conduct an initial review of the available evidence to determine whether to conduct an investigation. An inquiry does not require a full review of all the evidence related to the allegation. The inquiry will be conducted in a manner that protects the privacy of both the respondent and the complainant to the maximum possible extent. The goal of the inquiry is to determine if there is probable cause to believe that research misconduct has occurred and a full investigation including a hearing and review is warranted, or that the allegation is unjustified and clearly mistaken. Inquiry will be held even if the respondent terminates or has terminated his or her status with the university.

5.5 **Conducting an Inquiry.** Upon determination that the allegations warrant further investigation, an inquiry will be conducted according to the procedures described in Appendix 1.

5.6 **Investigation.** The purpose of the investigation is to explore the allegations in detail, develop a factual record, and examine the evidence in depth, leading to recommended findings on whether research misconduct has been committed, by whom, and to what extent. Investigations also determine whether additional instances of possible research misconduct occurred that would justify broadening the scope beyond the initial allegations. The findings of the investigation are accumulated into an investigation report. The investigation must begin within 15 working days after the determination by the DO that an investigation is warranted. Procedures for conducting an investigation are described in Appendix 2.

5.7 **Notification and Records Maintenance.** Responsibilities for notification and maintenance of records are explained in Appendix 3.

5.8 **Institutional Administrative Actions.** If the DO determines that research misconduct is substantiated by the findings, he or she will decide on the appropriate actions to be taken, after consultation with the RIO. The administrative actions may include: withdrawal or correction of all pending or published abstracts and papers emanating from the research where research misconduct was found; removal of the responsible person from the particular project, letter of reprimand, special monitoring of future work, probation, suspension, salary reduction, or initiation of steps leading to possible rank reduction or termination of employment; restitution of funds to the grantor agency as appropriate; and other action appropriate to the research misconduct. If the Chancellor decides to bring charges, service of charges will be prepared according to procedures outlined in UWS 4.02 or UWS 11.02.
5.8.1 Restoration of the Respondent's Reputation. Following a final finding of no research misconduct, including concurrence from the funding agency, the RIO must, at the request of the respondent, undertake all reasonable and practical efforts to restore the respondent's reputation. Depending on the particular circumstances and the views of the respondent, the RIO should consider notifying those individuals aware of or involved in the investigation of the final outcome, publicizing the final outcome in any forum in which the allegation of research misconduct was previously publicized, and expunging all reference to the research misconduct allegation from the respondent's personnel file. Any institutional actions to restore the respondent's reputation should first be approved by the DO.

5.8.2 Retaliation. The university will also take steps to assure that any complainant will not experience retaliation. Additional protection against retaliation is afforded under Wisconsin Statute section 230.80(8) et seq.

5.9 Other Considerations

5.9.1 Termination or Resignation Prior to Completing Inquiry or Investigation. The termination of the respondent's institutional employment, by resignation or otherwise, before or after an allegation of possible research misconduct has been reported, will not preclude or terminate the research misconduct proceeding or otherwise limit any of the institution’s responsibilities.

5.9.2 Resignation. If the respondent, without admitting to the misconduct, elects to resign his or her position after the institution receives an allegation of research misconduct, the assessment of the allegation will proceed, as well as the inquiry and investigation, as appropriate based on the outcome of the preceding steps. If the respondent refuses to participate in the process after resignation, the RIO and any inquiry or investigation committee will use their best efforts to reach a conclusion concerning the allegations, noting in the report the respondent's failure to cooperate and its effect on the evidence.
5.9.3 Protection of the Complainant, Witnesses and Committee Members. During the research misconduct proceeding and upon its completion, regardless of whether the institution or Federal Office of Research Integrity determines that research misconduct occurred, the RIO must undertake reasonable and practical efforts to protect the position and reputation of, or to counter potential or actual retaliation against, any complainant who made allegations of research misconduct in good faith and of any witnesses and committee members who cooperate in good faith with the research misconduct proceeding. The DO will determine, after consulting with the RIO, and with the complainant, witnesses, or committee members, respectively, what steps, if any, are needed to restore their respective positions or reputations or to counter potential or actual retaliation against them. The RIO is responsible for implementing steps the DO approves.

5.9.4 Allegations Not Made in Good Faith. If relevant, the DO will determine whether the complainant’s allegations of research misconduct were made in good faith, or whether a witness or committee member acted in good faith. If the DO determines that there was an absence of good faith he/she will determine whether any administrative action should be taken against the person who failed to act in good faith.

6.0 RESPONSIBILITY FOR IMPLEMENTATION
The RIO has responsibility for implementation. The RIO is responsible for (1) assessing allegations to determine if they fall within the definition of research misconduct and warrant an inquiry; (2) overseeing inquiries and investigations; (3) submitting reports and recommendations to the DO; and (4) maintaining records of all proceedings. The RIO is also responsible for ensuring respect for the sensitive nature of research demands, those who are accused of misconduct, and those who report misconduct in apparent good faith. At any time during this process, the RIO is encouraged to consult with the University of Wisconsin Legal Counsel. The RIO is also encouraged to contact the sponsoring funding agency early in the inquiry process.

7.0 CONSEQUENCES OF POLICY VIOLATION OR NONCOMPLIANCE
See Appendices 1 and 2.

8.0 APPEAL PROCESS
The respondent may appeal the DO’s decision that could result in a reversal or modification of the institution’s findings of research misconduct. Within 10 working days of receipt of the DO’s final decision, the respondent may ask for review of the decision by the appropriate sub-committee within the faculty or academic staff senates (e.g. Personnel Policies Committee for faculty) of the DO decision and record on either or both of these grounds: 1) that the decision is clearly erroneous; 2) that the recommended sanction is inappropriate. If such review is not requested within 10
working days, the faculty member is deemed to have waived the right to such review and the decision will be deemed submitted for review under UWS 4.07.

If the respondent makes a timely request for review, the sub-committee will provide an opportunity for the respondent and investigation committee to submit a written statement and to appear personally before the sub-committee. Based on the investigation committee record and any statement and arguments submitted by the respondent, the committee will make a recommendation and provide it to the DO for further review. Procedures thereafter will be according to UWS 4.07 and 4.08 or UWS 6.01.

9.0 APPENDED MATERIALS
   Appendix 1. Procedures for Conducting an Inquiry
   Appendix 2. Procedures for Conducting an Investigation
   Appendix 3. Responsibilities for Notification and Maintenance of Records
Appendix 1. Procedures for Conducting an Inquiry

1.0 Notice to Respondent; Sequestration of Research Records. At the time of or before beginning an inquiry, the RIO must make a good faith effort to notify the respondent in writing. If the inquiry subsequently identifies additional respondents, they must also be notified in writing. The RIO must take all reasonable and practical steps to obtain custody of all the research records and evidence needed to conduct the research misconduct proceeding, inventory the records, and evidence and sequester them in a secure manner. Where the research records or evidence encompass research instruments shared by a number of users, custody may be limited to copies of the data or evidence on such instruments.

2.0 Appointment of the Inquiry Committee. The RIO, in consultation with other institutional officials as appropriate, will appoint an ad hoc inquiry committee and committee chair as soon after the initiation of the inquiry as is practical. The inquiry committee must consist of at least three individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the inquiry and should include individuals with the appropriate research expertise to evaluate the evidence and issues related to the allegation, interview the principals and key witnesses, and conduct the inquiry. The committee may include individuals from outside the university.

2.1 Charge to the Committee and First Meeting. The RIO will prepare a charge for the inquiry committee that: (1) sets forth the time for completion of the inquiry; (2) describes the allegations and any related issues identified during the initial inquiry; (3) states that the purpose of the inquiry is to conduct an initial review of the evidence, including the testimony of the respondent, complainant and key witnesses, to determine whether an investigation is warranted, not to determine whether research misconduct definitely occurred or who was responsible; (4) states that an investigation is warranted if the committee determines (a) there is a reasonable basis for concluding that the allegation falls within the definition of research misconduct and is within the jurisdictional criteria and (b) the allegation may have substance, based on the committee’s review during the inquiry; and (5) informs the inquiry committee that they are responsible for preparing or directing the preparation of a written report of the inquiry that meets the requirements of this policy.

3.0 Inquiry Process. The inquiry committee will normally interview the complainant, the respondent, and key witnesses as well as examining relevant research records and materials. Summaries or transcripts of the interviews will be prepared and submitted to each interviewed person for comment or revision. The committee will collect, review, and protect all documentation and other relevant materials including but not limited to research data, proposals, publications, correspondence, and memoranda including
All faculty and academic staff are obligated to cooperate by supplying requested documents and information. The inquiry committee will then evaluate the evidence, including the testimony obtained during the inquiry. After consultation with the RIO, the committee members will decide whether an investigation is warranted. The scope of the inquiry is not required to and does not normally include deciding whether misconduct definitely occurred, determining definitely who committed the research misconduct or conducting exhaustive interviews and analyses. However, if a legally sufficient admission of research misconduct is made by the respondent, misconduct may be determined at the inquiry stage. In that case, the institution will promptly consult with the sponsoring federal agency to determine the next steps that should be taken.

3.1 *Time for Completion.* The inquiry, including preparation of the final inquiry report and the decision of the DO on whether an investigation is warranted, must be completed within 60 working days of initiation of the inquiry, unless the RIO determines that circumstances clearly warrant a longer period. If the RIO approves an extension, the inquiry record must include documentation of the reasons for exceeding the 60-day period.

3.2 *Inquiry Report and Review.* A preliminary report will be completed that states the evidence reviewed, including testimonial evidence, and the findings of the inquiry. A written inquiry report must be prepared that includes the following information: (1) the name and position of the respondent; (2) a description of the allegations of research misconduct; (3) the source of funding including grant numbers, grant applications, contracts and publications listing grant support; and (4) the basis for recommending or not recommending that the allegations warrant an investigation.

3.3 *Notification to the Respondent and Opportunity to Comment.* The RIO will notify the respondent whether the inquiry found an investigation to be warranted, include a copy of the draft inquiry report for comment within 10 working days and include a copy of the institution’s policies and procedures on research misconduct. Any comments that are submitted by the respondent or complainant will be appended to the final inquiry report. Based on the comments, the inquiry committee may revise the draft report as appropriate and prepare it in final form. The committee will deliver the final report to the RIO.

3.4 *Institutional Decision and Notification, Decision by Deciding Official.* The RIO will transmit the final inquiry report and any comments to the DO, who will determine within 5 working days in writing whether an investigation is warranted. The inquiry is completed when the DO makes this determination.

3.5 *Notification of Funding Agencies.* Within 30 working days of the DO’s decision that an investigation is warranted, the RIO will provide the appropriate funding agency with the DO’s written decision and a copy of the inquiry report. The RIO will also notify the designated recipients. The RIO must provide the following information to funding agencies 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 to be considered in the investigation.

3.6 Documentation of Decision Not to Investigate. If the DO decides that an investigation is not warranted, the RIO will secure and maintain for 7 years sufficiently detailed documentation of the inquiry to permit a later assessment by funding agencies of the reasons why an investigation was not conducted. These documents must be provided to funding agencies or other authorized personnel upon request.

4.0 Decision by the Deciding Official. When a final decision on the case has been reached, the RIO will notify both the respondent and the complainant in writing. After informing the Office of Research Integrity or equivalent at the sponsoring funding agency, the DO will determine whether law enforcement agencies, professional societies, professional licensing boards, editors of journals in which falsified reports may have been published, collaborators of the respondent in the work, or other relevant parties should be notified of the outcome of the case. The RIO is responsible for ensuring compliance with all notification requirements of funding or sponsoring agencies.
Appendix 2. Procedures for Conducting an Investigation.

1.0. **Notifying Funding Agencies and Respondent; Sequestration of Research Records.** On or before the date on which the investigation begins, the RIO must notify the Research Integrity Office of the relevant funding agency that an investigation is occurring, provide a copy of the inquiry report, and notify the respondent in writing of the allegations to be investigated. The RIO must also give the respondent written notice of any new allegations of research misconduct within a reasonable amount of time.

The RIO will, prior to notifying respondent of the allegations, take all reasonable and practical steps to obtain custody of and securely sequester all research records and evidence needed to conduct the research misconduct proceeding that were not obtained during the inquiry. The procedures for sequestration during the investigation are the same procedures that apply during the inquiry.

2.0 **Appointment of the Investigation Committee.** The RIO, in consultation with other institutional officials as appropriate, will appoint an investigation committee and a committee chair as soon as is practical. As in the inquiry, the investigation committee must consist of individuals who do not have unresolved personal, professional, or financial conflicts of interest with those involved with the investigation and should include individuals with the appropriate research expertise to evaluate the evidence and issues related to the allegation, interview the respondent and complainant, and conduct the investigation. Individuals appointed to the committee may also have served on the inquiry committee. When necessary to secure the necessary expertise or to avoid conflicts of interest, the RIO may select committee members from outside the institution.

3.0 **Charge to the Committee.** The RIO will define the subject matter of the investigation in a written charge to the committee that: (1) describes the allegations and related issues identified during the inquiry; (2) identifies the respondent; (3) informs the committee that it must conduct the investigation as prescribed in this policy; (4) defines research misconduct; (5) informs the committee that it must evaluate the evidence and testimony to determine whether research misconduct occurred and, if so, the type and extent of it and who was responsible; (6) informs the committee that in order to determine that the respondent committed research misconduct it must find that a preponderance of the evidence establishes that: (a) research misconduct occurred; (b) the research misconduct is a significant departure from accepted practices of the relevant research community; and (c) the respondent committed the research misconduct intentionally, knowingly, or recklessly; and (7) informs the committee that it must prepare or direct the preparation of a written investigation report that meets the requirements of this policy.
4.0 **First Investigation Committee Meeting.** The RIO will convene the first meeting of the investigation committee to review the charge, the inquiry report, and the procedures and standards to conduct the investigation, including the necessity for confidentiality and for developing a specific investigation plan. The investigation committee will be provided with a copy of this statement of policy and procedures. The RIO will be present or available throughout the investigation to advise the committee as needed.

5.0 **Investigation Process.** The investigation committee and the RIO must: (1) 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 each allegation; (2) take steps to ensure an impartial and unbiased investigation; (3) interview each respondent, complainant, and any other person who has been reasonably identified as having information regarding relevant aspects of the investigation, including witnesses identified by the respondent, and record or transcribe each interview, provide the recording or transcript to the interviewee for correction, and include the recording or transcript in the record of the investigation; and (4) diligently pursue all significant issues and leads discovered that are determined relevant to the investigation, including any evidence of any additional instances of possible research misconduct, and continue the investigation to completion.

6.0 **Time for Completion.** The investigation will be completed within 120 working days of its beginning, including conducting the investigation, preparing the report, providing the draft report for comment and sending the final report to the funding agency that supported the work. However, if the RIO determines that the investigation will not be completed within this 120-day period, he/she will submit to the funding agency a written request for an extension, setting forth the reasons for the delay.

7.0 **The Investigation Report.** The investigation committee and the RIO are responsible for preparing a written draft report of the investigation that: (1) describes the nature of the allegation of research misconduct, including identification of the respondent; (2) describes and documents source of funding, including the numbers of any grants that are involved, grant applications, contracts, and publications; (3) describes the specific allegations of research misconduct considered in the investigation; (4) includes the institutional policies and procedures under which the investigation was conducted, unless those policies and procedures were provided to ORI previously; (5) identifies and summarizes the research records and evidence reviewed and identifies any evidence taken into custody but not reviewed; and (6) includes a statement of findings for each allegation of research misconduct identified during the investigation.
Each statement of findings must: (1) identify whether the research misconduct was falsification, fabrication, or plagiarism, and whether it was committed intentionally, knowingly, or recklessly; (2) summarize the facts and the analysis that support the conclusion and consider the merits of any reasonable explanation by the respondent, including any effort by respondent to establish by a preponderance of the evidence that he or she did not engage in research misconduct because of honest error or a difference of opinion; (3) identify the specific funding support; (4) identify whether any publications need correction or retraction; (5) identify the person(s) responsible for the misconduct; and (6) list any current support or known applications or proposals for support that the respondent has pending with all funding agencies.

8.0 Comments on the Draft Report and Access to Evidence. The RIO must give the respondent a copy of the draft investigation report for comment and concurrently, a copy of or supervised access to the evidence on which the report is based. The respondent will be allowed 30 working days from the date he/she received the draft report to submit comments to the RIO. The respondent’s comments must be included and considered in the final report. In distributing the draft report, or portions thereof, to the respondent, the RIO will inform the recipient of the confidentiality under which the draft report is made available and may establish reasonable conditions to ensure such confidentiality.

9.0 Decision by the Deciding Official. The RIO will assist the investigation committee in finalizing the draft investigation report, including ensuring that the respondent’s comments are included and considered, and transmit the final investigation report to the DO, who will determine in writing: (1) whether the institution accepts the investigation report, its findings, and the recommended institutional actions; and (2) the appropriate institutional actions in response to the accepted findings of research misconduct. If this determination varies from the findings of the investigation committee, the DO will, as part of his/her written determination detail the basis for rendering a different decision from the findings of the investigation committee. Alternatively, the DO may return the report to the investigation committee with a request for further fact-finding or analysis.
Appendix 3. Responsibilities for Notification and Maintenance of Records

1.0 Notice of Institutional Findings and Actions. The RIO must, within the 120-working day period for completing the investigation, submit the following to the sponsoring funding agency: (1) a copy of the final investigation report with all attachments and any appeal; (2) a statement of whether the institution accepts the findings of the investigation report or the outcome of the appeal; (3) a statement of whether the institution found misconduct and, if so, who committed the misconduct; and (4) a description of any pending or completed administrative actions against the respondent. If research funding was obtained from the Public Health Service or the Department of Health and Human Services (typically the National Institutes of Health), procedures outlined in the Federal Register 42 CFR parts 50 and 93 must be followed. Reporting the decision to initiate an investigation must be reported to the Office of Research Integrity according to 42 CFR 93.309. If research funding was obtained from the National Science Foundation, procedures outlined in the Federal Register 42 CFR part 689 must be followed. Reporting the decision to initiate an investigation must be reported to the Office of Inspector General according to 42 CFR 689.4. All other funding agencies should be notified of the decision to initiate an investigation according to their individual procedure documents.

2.0 Notification of Scholarly Community. If the research based on scholarly misconduct appears invalid, the researchers will be requested to withdraw all pending abstracts and papers regarding the research, and editors of journals where relevant papers appeared will be notified.

3.0 Criminal Wrongdoing. If criminal wrongdoing is suspected, in consultation with the University Legal Counsel, appropriate government agencies will be notified.

4.0 Maintaining Records for Review. The RIO must maintain and provide to the funding agency upon request any records of research misconduct proceedings. Records of research misconduct proceedings must be maintained in a secure manner for 7 years after completion of the proceeding. The RIO is also responsible for providing any information, documentation, research records, evidence or clarification requested by funding agencies to carry out its review of an allegation of research misconduct or of the institution’s handling of such an allegation.